



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

CERTIFICATION

I, **Andrea Gutierrez**, hereby certify that I am the Secretary of the Board of Adjustment of the City of St. Louis, Missouri; that I am Custodian of the records of said Board, that Suzie Zes on October 23, 2019 and Amanda Farrar on January 15, 2020, Certified Shorthand Reporters, were the Official Reporters for said Board at the meetings and has the custody of the testimony given at the hearing; and that the attached papers contain and constitute a true, perfect and complete copy of the Record of said Board in Appeal #20251 at 4126 W. Florissant Ave.

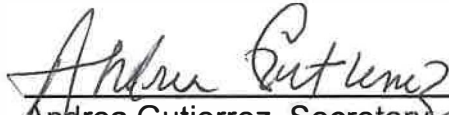

Andrea Gutierrez, Secretary
Board of Adjustment
City of St. Louis

Exhibit 5

STATE OF MISSOURI)
) ss
CITY OF ST. LOUIS)

Before me, the undersigned Notary Public personally appeared **Andrea Gutierrez**, **Secretary** of the Board of Adjustment, first being duly sworn upon her oath states that the foregoing Certificate is true and correct according to her best knowledge and belief.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my seal that on 2nd day of March, 2020.


Notary Public

My commission expires: March 12, 2022



THERESA ALVEY
My Commission Expires
March 12, 2022
St. Louis City
Commission #14475740



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

February 4, 2020

West Florissant BP
c/o Owydat Mazen
2931 Pinery Point
St. Louis, MO 63129

RE: Scrivener's Error Corrected
Board of Adjustment Appeal #20251
4126 W. Florissant Ave.

Dear Owydat Mazen,

After further review of the file, a scrivener's error was noticed in the address mentioned on **Page 8, Conclusions of Law and Order, first (1st) paragraph**. The proceedings have been corrected to reflect the correct address.

Attached please find the corrected proceedings and the decision of the Board of Adjustment for Appeal No. 20251.

Sincerely,

A handwritten signature in cursive script that reads "Mary Hart Burton".

Mary Hart Burton
Zoning Administrator

MHB/ag

attachment



Board of Adjustment

City of St. Louis

Room 400, City Hall

1200 Market Street

Saint Louis, Missouri 63103

Board of Adjustment Appeal #20251

RE: #BPS-126680/#AOP-3847-19

4126 W. Florissant Ave.

Proceedings

On January 15, 2020 and October 9, 2019, the Board of Adjustment of the City of St. Louis heard Appeal No. 20251, pursuant to Section 26.84.040 of the Zoning Code, concerning an appeal from the Board of Public's Service's denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.

On January 15, 2020, Board Members Joe Klitzing, John Albert, Mel Desemone, Mona Parsley, and Irene Soll were present for this Appeal.

On October 9, 2019, Board Members, Board Members Joe Klitzing, John Albert, Sallie Burke, Mona Parsley, and Irene Soll were present for this Appeal.

On January 15, 2020 Steve Brooks testified in favor of this Appeal.

On January 15, 2020 the following people testified in opposition of this Appeal; Melinda Long, Carol Johnson, Don Hanley, Beth Weismann, Kimberly Collins, and Barbara Hall

On October 9, 2020, the following people testified in favor of this Appeal; Samuel Jackson, Yvette Peebles, Sondra P., Julius Lewis, Katherine Davis, Karla Jensen, Jimmie Tate, Tiffany Palmer, Danita Jackson, Sylvia Smith, Gregory Williams, Maurice Davis, Archie Wayne, Vanessa Scott, Charles Kennedy, Stacy Harrison, Keith Davis, Carl Piffen, April Channing, Rodney, Sharonda Davis, Jason Love, Robert K.

On October 9, 2019, Owydat Mazen, testified in favor of this Appeal.

On October 9, 2019, the following people testified in opposition of this Appeal; Melinda Long, Sharie Taylor, Carolyn Washington, Brenda Nelson, Barbara Homes, and Delores Smith.

On January 15, 2020 and October 9, 2019 Erin Godwin, Zoning Plan Examiner, represented the Building Commissioner.

Findings of Fact

The Board of Adjustment hereby makes the following findings of fact:

1. The following exhibits were admitted into evidence: A certified copy of the Zoning Code, Ordinance 59979, with amendments, was introduced as Exhibit A. Appeal to the Board, Basis for Denial / Basis of Appeal from the Board of Public Service, Meeting Notice Letter, City Journal Public Notices, Photographs and Sanborn Map(s) were introduced as Exhibits B – G. On October 9, 2019, a fax sent by Appellant's attorney requesting continuance, was introduced as Exhibit H. On January 15, 2020, Letter of Opposition was submitted by Amber Cole, was introduced as Exhibit H-1. Faxed received on January 14, 2020, from Appellant's attorney requesting a continuance, was introduced as Exhibit I-1. Petition in Opposition, submitted by Opposition, was introduced as Exhibit J-1. Event Search Police Report, submitted by Opposition, was introduced as Exhibit K-1.
2. The subject property, known and numbered as 4126 W. Florissant Ave., is in City Block #3547.
3. The applicable zoning designation is "G" – Local Commercial and Office District.
4. Appellant has applied for an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.
5. On January 15, 2020 and October 9, 2019, per the testimony of Erin Godwin, the Zoning Plan Examiner, the proposed occupancy permit was denied by the Board of Public Service, which concluded that the use would be detrimental to the public health, safety, morals or general welfare. The Board found this testimony to be credible.
6. On October 9, 2019 the Board convened for this hearing.
7. Samuel L. Jackson testified in favor of this Appeal. Mr. Jackson testified that he has been a resident of the neighborhood since 1966. Mr. Jackson testified that the crimes are not because of the gas station. He stated that the Board should take into consideration the people who live in the neighborhood. The Board found this testimony to be credible.
8. Yvette Peebles testified in favor of this Appeal. Ms. Peebles testified that

crime is everywhere. She stated the operation is nice. The Board found this testimony to be credible.

9. Sondra P. testified in favor of this Appeal. Ms. Sondra testified that things have changed since last meeting. She stated that since they've been closing at 11 p.m. traffic has died down. Ms. Sondra testified that they have new security and it is now safer. She stated people aren't gathering there anymore. Ms. Sondra testified that closing the BP would hurt the neighborhood. The Board found this testimony to be credible.
10. Julius Lewis testified in favor of this Appeal. Mr. Lewis testified that he had left work early to come in support of this Appeal. He stated since the hours changed, there is difference. The Board found this testimony to be credible.
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14. Tiffany Palmer testified in favor of this Appeal. Ms. Palmer testified that she only goes there for gas. Ms. Palmer testified she's been there for 30 years. Ms. Palmer testified that since under new management, it is better. She stated the hours have changed and security is there all day. The Board found this testimony to be credible.
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16. Sylvia Smith testified in favor of this Appeal. Ms. Smith testified that she's

been a resident for 40 years. She stated Josh takes care of things. She asked that the Board not close the filling station. The Board found this testimony to be credible.

17. Gregory Williams testified in favor of this Appeal. Mr. Williams testified that the owner takes care of business. Mr. Williams testified that the owners try to run their operation, but also have to be the police and risk their lives daily. He stated that they help people financially. The Board found this testimony to be credible.
18. Maurice Davis testified in favor of this Appeal. Mr. Davis testified that the owners have helped him with work. He stated that there will be crime even without the BP. Mr. Davis testified that the owners help the community. The Board found this testimony to be credible.
19. Archie Wayne testified in favor of this Appeal. Mr. Wayne testified that that they need the gas station. He stated they neighborhood has already lost alot of businesses. The Board found this testimony to be credible.
20. Vanessa Scott testified in favor of this Appeal. Ms. Scott testified that she is 45 years old and handicap. She stated the proximity of the store is important and she feels safe there. The Board found this testimony to be credible.
21. Charles Kennedy testified in favor of this Appeal. Mr. Kennedy testified that the problem is people coming from other neighborhoods. The Board found this testimony to be credible.
22. Stacey Harrison testified in favor of this Appeal. Ms. Harrison testified that she agrees with everyone else. She stated Josh does what he can every day. The Board found this testimony to be credible.
23. Keith Davis testified in favor this Appeal. Mr. Davis testified that he supports keeping the BP open for the community. He stated that closing early has made a difference. Mr. Davis testified that the store is in the highest crime rate. He stated the police should be the enforcers not the store owners. The Board found this testimony to be credible.
24. Carl Piffen testified in favor of this Appeal. Mr. Piffen testified that even though his brother was killed there 3 years ago, he still goes there. He stated he loves this store. The Board found this testimony to be credible.

25. April Channing testified in favor of this Appeal. Ms. Channing testified that she agrees with the others. The Board found this testimony to be credible.
26. Rodney Aldridge testified in favor of this Appeal. Mr. Aldridge testified that he agrees with the others. He stated they need more police and leave Josh alone. The Board found this testimony to be credible.
27. Sharonda Davis testified in favor of this Appeal. Ms. Davis testified that the BP should stay open. She stated that it don't matter where you go, there is crime everywhere. The Board found this testimony to be credible.
28. Jason Love testified in favor of this Appeal. Mr. Love testified that he supports saving the BP. He stated he feels safe. The Board found this testimony to be credible.
29. Robert Critchen testified in favor of this Appeal. Mr. Critchen testified that the store is beautiful. The Board found this testimony to be credible.
30. Owydat Mazen testified in favor of this Appeal. Mr. Mazen testified that he is the owner. Mr. Mazen testified that the patrons call him Josh. He stated that for the past 20 years he's been part of the neighborhood. Mr. Mazen testified that he is trying to do all he can to stay open. The Board found this testimony to be credible.
31. Melinda Long testified in opposition of this Appeal. Ms. Long testified that she lives around the corner from the BP. She stated the BP is not a store; it sells only a few grocery items. Ms. Long testified that primary business is a gas station. She stated the owners never had a security guard. She stated there is alot of crime that goes on there. Ms. Long testified that the BP needs to go. The Board found this testimony to be credible.
32. Sharie Taylor testified in opposition of this Appeal. Ms. Taylor testified that there are years of police calls and years of meeting with owners and nothing changed. She stated that only recently the owners started to comply. Ms. Taylor testified that they sell opened prescriptions over the counter. The Board found this testimony to be credible.
33. Carolyn Washington testified in opposition of this Appeal. Ms. Washington testified that she lives across the street. She stated that there's too much traffic. Ms. Washington testified that from her porch you can see the prostitution and drug deals. She stated they need a bathroom, as people use

the bathroom outside. Ms. Washington testified that the BP needs more lights. She stated that people hang around there alot after 11 p.m. The Board found this testimony to be credible.

34. Brenda Nelson testified in opposition of this Appeal. Ms. Nelson testified that she agrees with the others who are in opposition. The Board found this testimony to be credible.
35. Barbara Homes testified in opposition of this Appeal. Ms. Homes testified that doesn't go to this BP. She stated it is nasty looking and unkept. The Board found this testimony to be credible.
36. Delores Smith testified in opposition of this Appeal. Ms. Smith testified that she is 54 year old resident. Ms. Smith testified that the previous owners kept it cleaner. The Board found this testimony to be credible.
37. On October 9, 2019, Chairman Klitzing made a motion to continue Appeal No. 20251, to the next available date, per the Appellant's attorney's request. Board Member Parsley seconded the motion. All voted in favor of the motion. This Appeal will be rescheduled to a later date.
38. On January 15, 2020 the Board reconvened for this hearing.
39. Steve Brooks testified in favor of this Appeal. Mr. Brooks testified that he is the attorney for the Appellant. Mr. Brooks testified that he was hired to do an investigation as to the allegations against the reasons why the permit was not granted. Mr. Brooks testified that he has made several formal and informal requests for certain documents, so he can complete his investigation to properly advise his client. He stated he has not received any documents. Mr. Brooks testified that the Board should not go forward with the hearing until he has the chance to properly advise his client and do a proper investigation. Mr. Brooks testified this is why he requested a continuance. He then referred the Board, his Exhibit 1 of his continuance request, which was his sunshine request, to provide all records including, but not limited to photos, written complaints, inspection summaries and other documents that formed the basis for denial of BP Florissant on June 18, 2019. Mr. Brooks testified that he initially requested this information on September 27, 2019. He stated he didn't follow-up with the City sunshine coordinator. Mr. Brooks testified that on September 26, 2019, he did call Cherise Thomas, Secretary of BPS. He stated he didn't know how long it takes the City to respond to requests. Mr. Brooks testified that he did not think there was anywhere in the sunshine law

that it states he should follow up. He stated that it's the City's responsibility to follow up with his request. Mr. Brooks testified that the City failed to provide the requested documents, therefore he requests a continuance.

40. Melinda Long testified in opposition of this Appeal. Ms. Long testified that she lives right around the corner from BP Florissant. Ms. Long testified that she personally called the City's Legal Department and spoke to Richard Sykora. She stated that by speaking to him, she received an email from him of all the police calls from October 2017 – October 2019; however she only received 4 of the 6 pages. Ms. Long testified that each page list 24 calls. She stated that at the same time they have a lot of seniors in the area, she stated that she called the Board of Adjustment Secretary and asked if they could prepare a letter of opposition that they oppose the continuance. Ms. Long testified that they gathered 150 signatures that are in support of BPS's denial and request the Board of Adjustment to not grant another continuance. Ms. Long testified that the residents have had it for over 30 years. She stated the "new management" has been there for decades. Ms. Long testified that this "fraternity of men" has 8 to 9 gas stations going up within 1 - 2 miles of this location. She stated that they have security but they do not have formal security from a security firm. Ms. Long testified that when the police ask to view the security tapes, the owners claim there is no film. She stated the BP Station had 20 individuals, come in support of keeping the BP open, however it was later found out that these individuals were picked up that same day of hearing on October 9, 2019 and were paid \$25.00 to testify in support of the appeal. Ms. Long testified that the BP station is nothing but problems, from drugs to prostitution to shootings. Ms. Long asks the Board not to give another continuance. The Board found this testimony to be credible.
41. Carol Johnson testified in opposition of this Appeal. Ms. Johnson testified that the prior owner was Caucasian and did not have as many problems as the current owner. She stated from her porch she can see all the illegal activities, drug dealing, prostitution, and people being shot. Ms. Johnson testified that they sell individual Benadryl shots. She stated there's heavy traffic and a lot of trash. Ms. Johnson testified that she is tired of being looked over and asks the board to not grant a continuance and to uphold the BPS denial. The Board found this testimony to be credible.
42. Don Hanley testified in opposition of this Appeal. Mr. Hanley testified that he cleans his block daily. Mr. Hanley testified that he's lost two (2) people close to him that were killed in the parking lot of the BP station. He stated the BP is ridiculous and must go. The Board found this testimony to be credible.

43. Beth Weismann testified in opposition of this Appeal. Ms. Weismann testified that her son is in the Army and warned her not to go there, as the station is known for trouble. Ms. Weismann testified that she lives above the church where her husband is the Pastor. She stated that they need help and cooperation to live a better life. The Board found this testimony to be credible.
44. Kimberly Collins testified in opposition of this Appeal. Ms. Collins testified that she collected signatures for the petition. She stated she doesn't go down Adelaide because of the crime. Ms. Collins testified that her neighbor was shot by his girlfriend from a drug incident that was carried on at the BP station. The Board found this testimony to be credible.
45. Barbara Hall testified in opposition of this Appeal. Ms. Hall testified that she was here in October. She stated the Appellant had all these people here in support of the appeal. Ms. Hall testified that there were two (2) vans full of people and after the hearing they all were in front of the BP lot hanging out. The Board found this testimony to be credible.
46. Ms. Johnson came back up to testify. Ms. Johnson testified that on October 9, 2019 when they got home from that Appeal, all the supporters of the appeal were falling over getting high on the BP lot. Ms. Johnson asks that the board help the residents and not grant a continuance. The Board found this testimony to be credible.

Conclusions of Law and Order

Regarding the Appellant's request for continuance, the Board denies this request.

It is the decision of the Board of Adjustment that the proposed use does not conform to the standards required for conditional use approval as set forth in Section 26.80.010.E. of the Zoning Code. Specifically, the Board heard evidence that the use would be detrimental to public health, safety, morals or general welfare. The Board, therefore, upholds the decision of the Board of Public Service to deny an occupancy permit to operate a convenience store and gas station at 4126 W. Florissant Ave.

The above motion, made by Chairman Klitzing and seconded by Board Member Soll, was passed by a unanimous vote of the Board.


Page 9
Appeal #20251
4126 W. Florissant Ave.

Notice

Please note that any person or persons jointly aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the City a petition, duly verified that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision of the Board as provided by Section 89.110 of the Revised Statutes of Missouri.

Further, be advised that Sections 26.100.030 and 26.100.040 of the Revised Code of the City of St. Louis provide for authorization to revoke conditional use permits and variances to the Zoning Code if any use is made of the building, structure or premises which constitutes an enlargement, alteration, or extension of the permitted use for which a conditional use or a variance has been granted or if the applicant or use fails to comply with conditions imposed when a conditional use or variance is granted.

By Order of the Board of Adjustment,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Zoning Plan Examiners
Building Inspection
Cultural Resources
Mary Hart Burton, Zoning Administrator
Don Roe, PDA
Permits
Business Assistance Center
License Collector

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p style="text-align: right;">#20251</p> <p>West Florissant BP c/o Owydat Mazen 2931 Pinery Point St. Louis, MO 63129</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 0140 0000 0593 0931</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postmark
Here

#20251

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Post \$

Sent To West Florissant BP

Street and c/o Owydat Mazen

City, State, 2931 Pinery Point

St. Louis, MO 63129

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

February 4, 2020

MacArthur Mote, P.C.
Attorneys at Law
3920 Lindell Blvd., Ste. 200
St. Louis, MO 63108
ATTN: Steve D. Brooks

RE: Scrivener's Error Corrected
Board of Adjustment Appeal #20251
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Sincerely,

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Zoning Administrator

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attachment



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Conclusions of Law and Order

Regarding the Appellant's request for continuance, the Board denies this request.

It is the decision of the Board of Adjustment that the proposed use does not conform to the standards required for conditional use approval as set forth in Section 26.80.010.E. of the Zoning Code. Specifically, the Board heard evidence that the use would be detrimental to public health, safety, morals or general welfare. The Board, therefore, upholds the decision of the Board of Public Service to deny an occupancy permit to operate a convenience store and gas station at 4126 W. Florissant Ave.

The above motion, made by Chairman Klitzing and seconded by Board Member Soll, was passed by a unanimous vote of the Board.

Page 9
Appeal #20251
4126 W. Florissant Ave.

Notice

Please note that any person or persons jointly aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the City a petition, duly verified that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision of the Board as provided by Section 89.110 of the Revised Statutes of Missouri.

Further, be advised that Sections 26.100.030 and 26.100.040 of the Revised Code of the City of St. Louis provide for authorization to revoke conditional use permits and variances to the Zoning Code if any use is made of the building, structure or premises which constitutes an enlargement, alteration, or extension of the permitted use for which a conditional use or a variance has been granted or if the applicant or use fails to comply with conditions imposed when a conditional use or variance is granted.

By Order of the Board of Adjustment,



Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Zoning Plan Examiners
Building Inspection
Cultural Resources
Mary Hart Burton, Zoning Administrator
Don Roe, PDA
Permits
Business Assistance Center
License Collector

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<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <div style="display: flex; align-items: center;"> X <div style="margin-left: 20px;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </div> </p>	
<p>1. Article Addressed to:</p> <p style="text-align: right;">#20251</p> <p>MacArthur Mote, P.C. Attorneys at Law 3920 Lindell Blvd., Ste. 200 St. Louis, MO 63108 ATTN: Steve D. Brooks</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7019 0140 0000 0593 0924</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </div> <div> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </div> </div>			

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total	#20251
<p>MacArthur Mote, P.C. Attorneys at Law 3920 Lindell Blvd., Ste. 200 St. Louis, MO 63108 ATTN: Steve D. Brooks</p>	

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

January 29, 2020

West Florissant BP
c/o Owydat Mazen
2931 Pinery Point
St. Louis, MO 63129

**RE: Board of Adjustment Appeal #20251
4126 W. Florissant Ave.**

Attached are the proceedings and decision of the Board of Adjustment regarding the above referenced appeal number.

Sincerely,

A handwritten signature in cursive script that reads "Mary Hart Burton".

Mary Hart Burton
Zoning Administrator

MHB/ag

attachment



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

Board of Adjustment Appeal #20251
RE: #BPS-126680/#AOP-3847-19
4126 W. Florissant Ave.

Proceedings

On January 15, 2020 and October 9, 2019, the Board of Adjustment of the City of St. Louis heard Appeal No. 20251, pursuant to Section 26.84.040 of the Zoning Code, concerning an appeal from the Board of Public's Service's denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.

On January 15, 2020, Board Members Joe Klitzing, John Albert, Mel Desemone, Mona Parsley, and Irene Soll were present for this Appeal.

On October 9, 2019, Board Members, Board Members Joe Klitzing, John Albert, Sallie Burke, Mona Parsley, and Irene Soll were present for this Appeal.

On January 15, 2020 Steve Brooks testified in favor of this Appeal.

On January 15, 2020 the following people testified in opposition of this Appeal; Melinda Long, Carol Johnson, Don Hanley, Beth Weismann, Kimberly Collins, and Barbara Hall

On October 9, 2020, the following people testified in favor of this Appeal; Samuel Jackson, Yvette Peebles, Sondra P., Julius Lewis, Katherine Davis, Karla Jensen, Jimmie Tate, Tiffany Palmer, Danita Jackson, Sylvia Smith, Gregory Williams, Maurice Davis, Archie Wayne, Vanessa Scott, Charles Kennedy, Stacy Harrison, Keith Davis, Carl Piffen, April Channing, Rodney, Sharonda Davis, Jason Love, Robert K.

On October 9, 2019, Owydat Mazen, testified in favor of this Appeal.

On October 9, 2019, the following people testified in opposition of this Appeal; Melinda Long, Sharie Taylor, Carolyn Washington, Brenda Nelson, Barbara Homes, and Delores Smith.

On January 15, 2020 and October 9, 2019 Erin Godwin, Zoning Plan Examiner, represented the Building Commissioner.

Findings of Fact

The Board of Adjustment hereby makes the following findings of fact:

1. The following exhibits were admitted into evidence: A certified copy of the Zoning Code, Ordinance 59979, with amendments, was introduced as Exhibit A. Appeal to the Board, Basis for Denial / Basis of Appeal from the Board of Public Service, Meeting Notice Letter, City Journal Public Notices, Photographs and Sanborn Map(s) were introduced as Exhibits B – G. On October 9, 2019, a fax sent by Appellant's attorney requesting continuance, was introduced as Exhibit H. On January 15, 2020, Letter of Opposition was submitted by Amber Cole, was introduced as Exhibit H-1. Faxed received on January 14, 2020, from Appellant's attorney requesting a continuance, was introduced as Exhibit I-1. Petition in Opposition, submitted by Opposition, was introduced as Exhibit J-1. Event Search Police Report, submitted by Opposition, was introduced as Exhibit K-1.
2. The subject property, known and numbered as 4126 W. Florissant Ave., is in City Block #3547.
3. The applicable zoning designation is "G" – Local Commercial and Office District.
4. Appellant has applied for an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.
5. On January 15, 2020 and October 9, 2019, per the testimony of Erin Godwin, the Zoning Plan Examiner, the proposed occupancy permit was denied by the Board of Public Service, which concluded that the use would be detrimental to the public health, safety, morals or general welfare. The Board found this testimony to be credible.
6. On October 9, 2019 the Board convened for this hearing.
7. Samuel L. Jackson testified in favor of this Appeal. Mr. Jackson testified that he has been a resident of the neighborhood since 1966. Mr. Jackson testified that the crimes are not because of the gas station. He stated that the Board should take into consideration the people who live in the neighborhood. The Board found this testimony to be credible.
8. Yvette Peebles testified in favor of this Appeal. Ms. Peebles testified that

crime is everywhere. She stated the operation is nice. The Board found this testimony to be credible.

9. Sondra P. testified in favor of this Appeal. Ms. Sondra testified that things have changed since last meeting. She stated that since they've been closing at 11 p.m. traffic has died down. Ms. Sondra testified that they have new security and it is now safer. She stated people aren't gathering there anymore. Ms. Sondra testified that closing the BP would hurt the neighborhood. The Board found this testimony to be credible.
10. Julius Lewis testified in favor of this Appeal. Mr. Lewis testified that he had left work early to come in support of this Appeal. He stated since the hours changed, there is difference. The Board found this testimony to be credible.
11. Katherine Davis testified in favor of this Appeal. Ms. Davis testified that she is in support of keeping the BP open. She stated that the owner helped her when her son died. The Board found this testimony to be credible.
12. Karla Jensen testified in favor of this Appeal. Ms. Jensen testified that if the BP closes, it would become a trap house. She stated since they've put up security cameras, crime goes else where. The Board found this testimony to be credible.
13. Jimmy Tate testified in favor of this Appeal. Mr. Tate testified that he has lived in the neighborhood since he was 12 years old. He stated it's not the store itself; it's the gang members who are the problem. Mr. Tate testified that the store is an asset. Mr. Tate testified that the police should deal with the gang members. The Board found this testimony to be credible.
14. Tiffany Palmer testified in favor of this Appeal. Ms. Palmer testified that she only goes there for gas. Ms. Palmer testified she's been there for 30 years. Ms. Palmer testified that since under new management, it is better. She stated the hours have changed and security is there all day. The Board found this testimony to be credible.
15. Danita Jackson testified in favor of this Appeal. Ms. Jackson testified that she is in support of keeping the store open. She stated the drug dealers and gang members are not the owners fault. Ms. Jackson asked that the Board not close the BP. The Board found this testimony to be credible.
16. Sylvia Smith testified in favor of this Appeal. Ms. Smith testified that she's

been a resident for 40 years. She stated Josh takes care of things. She asked that the Board not close the filling station. The Board found this testimony to be credible.

17. Gregory Williams testified in favor of this Appeal. Mr. Williams testified that the owner takes care of business. Mr. Williams testified that the owners try to run their operation, but also have to be the police and risk their lives daily. He stated that they help people financially. The Board found this testimony to be credible.
18. Maurice Davis testified in favor of this Appeal. Mr. Davis testified that the owners have helped him with work. He stated that there will be crime even without the BP. Mr. Davis testified that the owners help the community. The Board found this testimony to be credible.
19. Archie Wayne testified in favor of this Appeal. Mr. Wayne testified that that they need the gas station. He stated they neighborhood has already lost alot of businesses. The Board found this testimony to be credible.
20. Vanessa Scott testified in favor of this Appeal. Ms. Scott testified that she is 45 years old and handicap. She stated the proximity of the store is important and she feels safe there. The Board found this testimony to be credible.
21. Charles Kennedy testified in favor of this Appeal. Mr. Kennedy testified that the problem is people coming from other neighborhoods. The Board found this testimony to be credible.
22. Stacey Harrison testified in favor of this Appeal. Ms. Harrison testified that she agrees with everyone else. She stated Josh does what he can every day. The Board found this testimony to be credible.
23. Keith Davis testified in favor this Appeal. Mr. Davis testified that he supports keeping the BP open for the community. He stated that closing early has made a difference. Mr. Davis testified that the store is in the highest crime rate. He stated the police should be the enforcers not the store owners. The Board found this testimony to be credible.
24. Carl Piffen testified in favor of this Appeal. Mr. Piffen testified that even though his brother was killed there 3 years ago, he still goes there. He stated he loves this store. The Board found this testimony to be credible.

25. April Channing testified in favor of this Appeal. Ms. Channing testified that she agrees with the others. The Board found this testimony to be credible.
26. Rodney Aldridge testified in favor of this Appeal. Mr. Aldridge testified that he agrees with the others. He stated they need more police and leave Josh alone. The Board found this testimony to be credible.
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Conclusions of Law and Order

Regarding the Appellant's request for continuance, the Board denies this request.

It is the decision of the Board of Adjustment that the proposed use does not conform to the standards required for conditional use approval as set forth in Section 26.80.010.E. of the Zoning Code. Specifically, the Board heard evidence that the use would be detrimental to public health, safety, morals or general welfare. The Board, therefore, upholds the decision of the Board of Public Service to deny an occupancy permit to operate a convenience store and gas station (no cooking) at 3934 S. Grand.

The above motion, made by Chairman Klitzing and seconded by Board Member Soll, was passed by a unanimous vote of the Board.

Page 9
Appeal #20251
4126 W. Florissant Ave.

Notice

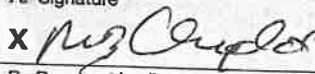
Please note that any person or persons jointly aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the City a petition, duly verified that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision of the Board as provided by Section 89.110 of the Revised Statutes of Missouri.

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By Order of the Board of Adjustment,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Zoning Plan Examiners
Building Inspection
Cultural Resources
Mary Hart Burton, Zoning Administrator
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<p>1. Article Addressed to:</p> <p style="text-align: right;">#20251</p> <p>West Florissant BP c/o Owydat Mazen 2931 Pinery Point St. Louis, MO 63129</p>		<p>B. Received by (Printed Name) MAZEN OWIDAT</p> <p>C. Date of Delivery 2-10-20</p>	
<p>2. Article Number (Transfer from service label) 7019 0140 0000 0593 0795</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
<p>For delivery information, visit our website at www.usps.com®</p>	
<p>OFFICIAL USE</p>	
<p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$</p> <p><input type="checkbox"/> Return Receipt (electronic) \$</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p>	<p>Postmark Here</p>
<p>Postage \$</p> <p>Total Postage \$</p> <p>Sent To West Florissant BP</p> <p>Street and Apt. c/o Owydat Mazen</p> <p>City, State, Zip+ 2931 Pinery Point</p> <p>St. Louis, MO 63129</p>	<p>#20251</p>
<p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	

7019 0140 0000 0593 0795



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

January 29, 2020

MacArthur Mote, P.C.
Attorneys at Law
3920 Lindell Blvd., Ste. 200
St. Louis, MO 63108
ATTN: Steve D. Brooks

**RE: Board of Adjustment Appeal #20251
4126 W. Florissant Ave.**

Attached are the proceedings and decision of the Board of Adjustment regarding the above referenced appeal number.

Sincerely,

Mary Hart Burton

Mary Hart Burton
Zoning Administrator

MHB/ag

attachment



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

Board of Adjustment Appeal #20251
RE: #BPS-126680/#AOP-3847-19
4126 W. Florissant Ave.

Proceedings

On January 15, 2020 and October 9, 2019, the Board of Adjustment of the City of St. Louis heard Appeal No. 20251, pursuant to Section 26.84.040 of the Zoning Code, concerning an appeal from the Board of Public's Service's denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.

On January 15, 2020, Board Members Joe Klitzing, John Albert, Mel Desemone, Mona Parsley, and Irene Soll were present for this Appeal.

On October 9, 2019, Board Members Joe Klitzing, John Albert, Sallie Burke, Mona Parsley, and Irene Soll were present for this Appeal.

On January 15, 2020 Steve Brooks testified in favor of this Appeal.

On January 15, 2020 the following people testified in opposition of this Appeal; Melinda Long, Carol Johnson, Don Hanley, Beth Weismann, Kimberly Collins, and Barbara Hall

On October 9, 2020, the following people testified in favor of this Appeal; Samuel Jackson, Yvette Peebles, Sondra P., Julius Lewis, Katherine Davis, Karla Jensen, Jimmie Tate, Tiffany Palmer, Danita Jackson, Sylvia Smith, Gregory Williams, Maurice Davis, Archie Wayne, Vanessa Scott, Charles Kennedy, Stacy Harrison, Keith Davis, Carl Piffen, April Channing, Rodney, Sharonda Davis, Jason Love, Robert K.

On October 9, 2019, Owydat Mazen, testified in favor of this Appeal.

On October 9, 2019, the following people testified in opposition of this Appeal; Melinda Long, Sharie Taylor, Carolyn Washington, Brenda Nelson, Barbara Homes, and Delores Smith.

On January 15, 2020 and October 9, 2019 Erin Godwin, Zoning Plan Examiner, represented the Building Commissioner.

Findings of Fact

The Board of Adjustment hereby makes the following findings of fact:

1. The following exhibits were admitted into evidence: A certified copy of the Zoning Code, Ordinance 59979, with amendments, was introduced as Exhibit A. Appeal to the Board, Basis for Denial / Basis of Appeal from the Board of Public Service, Meeting Notice Letter, City Journal Public Notices, Photographs and Sanborn Map(s) were introduced as Exhibits B – G. On October 9, 2019, a fax sent by Appellant's attorney requesting continuance, was introduced as Exhibit H. On January 15, 2020, Letter of Opposition was submitted by Amber Cole, was introduced as Exhibit H-1. Faxed received on January 14, 2020, from Appellant's attorney requesting a continuance, was introduced as Exhibit I-1. Petition in Opposition, submitted by Opposition, was introduced as Exhibit J-1. Event Search Police Report, submitted by Opposition, was introduced as Exhibit K-1.
2. The subject property, known and numbered as 4126 W. Florissant Ave., is in City Block #3547.
3. The applicable zoning designation is "G" – Local Commercial and Office District.
4. Appellant has applied for an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave.
5. On January 15, 2020 and October 9, 2019, per the testimony of Erin Godwin, the Zoning Plan Examiner, the proposed occupancy permit was denied by the Board of Public Service, which concluded that the use would be detrimental to the public health, safety, morals or general welfare. The Board found this testimony to be credible.
6. On October 9, 2019 the Board convened for this hearing.
7. Samuel L. Jackson testified in favor of this Appeal. Mr. Jackson testified that he has been a resident of the neighborhood since 1966. Mr. Jackson testified that the crimes are not because of the gas station. He stated that the Board should take into consideration the people who live in the neighborhood. The Board found this testimony to be credible.
8. Yvette Peebles testified in favor of this Appeal. Ms. Peebles testified that

crime is everywhere. She stated the operation is nice. The Board found this testimony to be credible.

9. Sondra P. testified in favor of this Appeal. Ms. Sondra testified that things have changed since last meeting. She stated that since they've been closing at 11 p.m. traffic has died down. Ms. Sondra testified that they have new security and it is now safer. She stated people aren't gathering there anymore. Ms. Sondra testified that closing the BP would hurt the neighborhood. The Board found this testimony to be credible.
10. Julius Lewis testified in favor of this Appeal. Mr. Lewis testified that he had left work early to come in support of this Appeal. He stated since the hours changed, there is difference. The Board found this testimony to be credible.
11. Katherine Davis testified in favor of this Appeal. Ms. Davis testified that she is in support of keeping the BP open. She stated that the owner helped her when her son died. The Board found this testimony to be credible.
12. Karla Jensen testified in favor of this Appeal. Ms. Jensen testified that if the BP closes, it would become a trap house. She stated since they've put up security cameras, crime goes else where. The Board found this testimony to be credible.
13. Jimmy Tate testified in favor of this Appeal. Mr. Tate testified that he has lived in the neighborhood since he was 12 years old. He stated it's not the store itself; it's the gang members who are the problem. Mr. Tate testified that the store is an asset. Mr. Tate testified that the police should deal with the gang members. The Board found this testimony to be credible.
14. Tiffany Palmer testified in favor of this Appeal. Ms. Palmer testified that she only goes there for gas. Ms. Palmer testified she's been there for 30 years. Ms. Palmer testified that since under new management, it is better. She stated the hours have changed and security is there all day. The Board found this testimony to be credible.
15. Danita Jackson testified in favor of this Appeal. Ms. Jackson testified that she is in support of keeping the store open. She stated the drug dealers and gang members are not the owners fault. Ms. Jackson asked that the Board not close the BP. The Board found this testimony to be credible.
16. Sylvia Smith testified in favor of this Appeal. Ms. Smith testified that she's

been a resident for 40 years. She stated Josh takes care of things. She asked that the Board not close the filling station. The Board found this testimony to be credible.

17. Gregory Williams testified in favor of this Appeal. Mr. Williams testified that the owner takes care of business. Mr. Williams testified that the owners try to run their operation, but also have to be the police and risk their lives daily. He stated that they help people financially. The Board found this testimony to be credible.
18. Maurice Davis testified in favor of this Appeal. Mr. Davis testified that the owners have helped him with work. He stated that there will be crime even without the BP. Mr. Davis testified that the owners help the community. The Board found this testimony to be credible.
19. Archie Wayne testified in favor of this Appeal. Mr. Wayne testified that that they need the gas station. He stated they neighborhood has already lost alot of businesses. The Board found this testimony to be credible.
20. Vanessa Scott testified in favor of this Appeal. Ms. Scott testified that she is 45 years old and handicap. She stated the proximity of the store is important and she feels safe there. The Board found this testimony to be credible.
21. Charles Kennedy testified in favor of this Appeal. Mr. Kennedy testified that the problem is people coming from other neighborhoods. The Board found this testimony to be credible.
22. Stacey Harrison testified in favor of this Appeal. Ms. Harrison testified that she agrees with everyone else. She stated Josh does what he can every day. The Board found this testimony to be credible.
23. Keith Davis testified in favor this Appeal. Mr. Davis testified that he supports keeping the BP open for the community. He stated that closing early has made a difference. Mr. Davis testified that the store is in the highest crime rate. He stated the police should be the enforcers not the store owners. The Board found this testimony to be credible.
24. Carl Piffen testified in favor of this Appeal. Mr. Piffen testified that even though his brother was killed there 3 years ago, he still goes there. He stated he loves this store. The Board found this testimony to be credible.

25. April Channing testified in favor of this Appeal. Ms. Channing testified that she agrees with the others. The Board found this testimony to be credible.
26. Rodney Aldridge testified in favor of this Appeal. Mr. Aldridge testified that he agrees with the others. He stated they need more police and leave Josh alone. The Board found this testimony to be credible.
27. Sharonda Davis testified in favor of this Appeal. Ms. Davis testified that the BP should stay open. She stated that it don't matter where you go, there is crime everywhere. The Board found this testimony to be credible.
28. Jason Love testified in favor of this Appeal. Mr. Love testified that he supports saving the BP. He stated he feels safe. The Board found this testimony to be credible.
29. Robert Critchen testified in favor of this Appeal. Mr. Critchen testified that the store is beautiful. The Board found this testimony to be credible.
30. Owydat Mazen testified in favor of this Appeal. Mr. Mazen testified that he is the owner. Mr. Mazen testified that the patrons call him Josh. He stated that for the past 20 years he's been part of the neighborhood. Mr. Mazen testified that he is trying to do all he can to stay open. The Board found this testimony to be credible.
31. Melinda Long testified in opposition of this Appeal. Ms. Long testified that she lives around the corner from the BP. She stated the BP is not a store; it sells only a few grocery items. Ms. Long testified that primary business is a gas station. She stated the owners never had a security guard. She stated there is alot of crime that goes on there. Ms. Long testified that the BP needs to go. The Board found this testimony to be credible.
32. Sharie Taylor testified in opposition of this Appeal. Ms. Taylor testified that there are years of police calls and years of meeting with owners and nothing changed. She stated that only recently the owners started to comply. Ms. Taylor testified that they sell opened prescriptions over the counter. The Board found this testimony to be credible.
33. Carolyn Washington testified in opposition of this Appeal. Ms. Washington testified that she lives across the street. She stated that there's too much traffic. Ms. Washington testified that from her porch you can see the prostitution and drug deals. She stated they need a bathroom, as people use

the bathroom outside. Ms. Washington testified that the BP needs more lights. She stated that people hang around there alot after 11 p.m. The Board found this testimony to be credible.

34. Brenda Nelson testified in opposition of this Appeal. Ms. Nelson testified that she agrees with the others who are in opposition. The Board found this testimony to be credible.
35. Barbara Homes testified in opposition of this Appeal. Ms. Homes testified that doesn't go to this BP. She stated it is nasty looking and unkept. The Board found this testimony to be credible.
36. Delores Smith testified in opposition of this Appeal. Ms. Smith testified that she is 54 year old resident. Ms. Smith testified that the previous owners kept it cleaner. The Board found this testimony to be credible.
37. On October 9, 2019, Chairman Klitzing made a motion to continue Appeal No. 20251, to the next available date, per the Appellant's attorney's request. Board Member Parsley seconded the motion. All voted in favor of the motion. This Appeal will be rescheduled to a later date.
38. On January 15, 2020 the Board reconvened for this hearing.
39. Steve Brooks testified in favor of this Appeal. Mr. Brooks testified that he is the attorney for the Appellant. Mr. Brooks testified that he was hired to do an investigation as to the allegations against the reasons why the permit was not granted. Mr. Brooks testified that he has made several formal and informal requests for certain documents, so he can complete his investigation to properly advise his client. He stated he has not received any documents. Mr. Brooks testified that the Board should not go forward with the hearing until he has the chance to properly advise his client and do a proper investigation. Mr. Brooks testified this is why he requested a continuance. He then referred the Board, his Exhibit 1 of his continuance request, which was his sunshine request, to provide all records including, but not limited to photos, written complaints, inspection summaries and other documents that formed the basis for denial of BP Florissant on June 18, 2019. Mr. Brooks testified that he initially requested this information on September 27, 2019. He stated he didn't follow-up with the City sunshine coordinator. Mr. Brooks testified that on September 26, 2019, he did call Cherise Thomas, Secretary of BPS. He stated he didn't know how long it takes the City to respond to requests. Mr. Brooks testified that he did not think there was anywhere in the sunshine law

that it states he should follow up. He stated that it's the City's responsibility to follow up with his request. Mr. Brooks testified that the City failed to provide the requested documents, therefore he requests a continuance.

40. Melinda Long testified in opposition of this Appeal. Ms. Long testified that she lives right around the corner from BP Florissant. Ms. Long testified that she personally called the City's Legal Department and spoke to Richard Sykora. She stated that by speaking to him, she received an email from him of all the police calls from October 2017 – October 2019; however she only received 4 of the 6 pages. Ms. Long testified that each page list 24 calls. She stated that at the same time they have a lot of seniors in the area, she stated that she called the Board of Adjustment Secretary and asked if they could prepare a letter of opposition that they oppose the continuance. Ms. Long testified that they gathered 150 signatures that are in support of BPS's denial and request the Board of Adjustment to not grant another continuance. Ms. Long testified that the residents have had it for over 30 years. She stated the "new management" has been there for decades. Ms. Long testified that this "fraternity of men" has 8 to 9 gas stations going up within 1 - 2 miles of this location. She stated that they have security but they do not have formal security from a security firm. Ms. Long testified that when the police ask to view the security tapes, the owners claim there is no film. She stated the BP Station had 20 individuals, come in support of keeping the BP open, however it was later found out that these individuals were picked up that same day of hearing on October 9, 2019 and were paid \$25.00 to testify in support of the appeal. Ms. Long testified that the BP station is nothing but problems, from drugs to prostitution to shootings. Ms. Long asks the Board not to give another continuance. The Board found this testimony to be credible.
41. Carol Johnson testified in opposition of this Appeal. Ms. Johnson testified that the prior owner was Caucasian and did not have as many problems as the current owner. She stated from her porch she can see all the illegal activities, drug dealing, prostitution, and people being shot. Ms. Johnson testified that they sell individual Benadryl shots. She stated there's heavy traffic and a lot of trash. Ms. Johnson testified that she is tired of being looked over and asks the board to not grant a continuance and to uphold the BPS denial. The Board found this testimony to be credible.
42. Don Hanley testified in opposition of this Appeal. Mr. Hanley testified that he cleans his block daily. Mr. Hanley testified that he's lost two (2) people close to him that were killed in the parking lot of the BP station. He stated the BP is ridiculous and must go. The Board found this testimony to be credible.

43. Beth Weismann testified in opposition of this Appeal. Ms. Weismann testified that her son is in the Army and warned her not to go there, as the station is known for trouble. Ms. Weismann testified that she lives above the church where her husband is the Pastor. She stated that they need help and cooperation to live a better life. The Board found this testimony to be credible.
44. Kimberly Collins testified in opposition of this Appeal. Ms. Collins testified that she collected signatures for the petition. She stated she doesn't go down Adelaide because of the crime. Ms. Collins testified that her neighbor was shot by his girlfriend from a drug incident that was carried on at the BP station. The Board found this testimony to be credible.
45. Barbara Hall testified in opposition of this Appeal. Ms. Hall testified that she was here in October. She stated the Appellant had all these people here in support of the appeal. Ms. Hall testified that there were two (2) vans full of people and after the hearing they all were in front of the BP lot hanging out. The Board found this testimony to be credible.
46. Ms. Johnson came back up to testify. Ms. Johnson testified that on October 9, 2019 when they got home from that Appeal, all the supporters of the appeal were falling over getting high on the BP lot. Ms. Johnson asks that the board help the residents and not grant a continuance. The Board found this testimony to be credible.

Conclusions of Law and Order

Regarding the Appellant's request for continuance, the Board denies this request.

It is the decision of the Board of Adjustment that the proposed use does not conform to the standards required for conditional use approval as set forth in Section 26.80.010.E. of the Zoning Code. Specifically, the Board heard evidence that the use would be detrimental to public health, safety, morals or general welfare. The Board, therefore, upholds the decision of the Board of Public Service to deny an occupancy permit to operate a convenience store and gas station (no cooking) at 3934 S. Grand.

The above motion, made by Chairman Klitzing and seconded by Board Member Soll, was passed by a unanimous vote of the Board.

Page 9
Appeal #20251
4126 W. Florissant Ave.

Notice

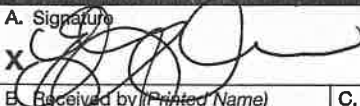

Please note that any person or persons jointly aggrieved by any decision of the Board of Adjustment or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the City a petition, duly verified that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision of the Board as provided by Section 89.110 of the Revised Statutes of Missouri.

Further, be advised that Sections 26.100.030 and 26.100.040 of the Revised Code of the City of St. Louis provide for authorization to revoke conditional use permits and variances to the Zoning Code if any use is made of the building, structure or premises which constitutes an enlargement, alteration, or extension of the permitted use for which a conditional use or a variance has been granted or if the applicant or use fails to comply with conditions imposed when a conditional use or variance is granted.

By Order of the Board of Adjustment,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Zoning Plan Examiners
Building Inspection
Cultural Resources
Mary Hart Burton, Zoning Administrator
Don Roe, PDA
Permits
Business Assistance Center
License Collector

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p>B. Received by (Printed Name) ERICA QUINTANILLA</p> <p>C. Date of Delivery 7/15/15</p>																	
<p>1. Article Addressed to: #20251 MacArthur Mote, P.C. Attorneys at Law 3920 Lindell Blvd., Ste. 200 St. Louis, MO 63108 ATTN: STEVE D. BROOKS</p>  9590 9402 5115 9092 1021 60		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>2. Article Number (Transfer from service label) 7019 0140 0000 0593 0801</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Return Receipt (electronic)	\$	
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Total Postage	\$	
Sent To MacArthur Mote, P.C. Attorneys at Law 3920 Lindell Blvd., Ste. 200 St. Louis, MO 63108 ATTN: STEVE D. BROOKS		

PS Form 3800, April 2015 PSN 7530-02-000-9047
See Reverse for Instructions



LYDA KREWSON
MAYOR

City of St. Louis
OFFICE OF THE SECRETARY

1200 MARKET STREET, ROOM 300
ST. LOUIS, MISSOURI 63103-2806
PHONE NO.: (314) 622-4650 OR (314) 622-4627
Fax No.: (314) 589-6598



RICHARD T. BRADLEY, P.E.
PRESIDENT

June 18, 2019

West Florissant BP
Owydat Mazen
2931 Pinery Point
St Louis MO 63129

EXHIBIT

C.1

Dear Mazen:

At its meeting of June 18, 2019, the Board of Public Service voted to Deny Approval of Application No. 126680, West Florissant BP c/o Owydat Mazen, to occupy 4126 West Florissant as a convenience store with a gas station by reason of the fact that use will be detrimental to the public health, safety, morals, or general welfare.

Should you feel aggrieved in our decision you may appeal this denial within 30 calendar days of the date of this notice to Board of Adjustment, Room 400, City Hall. For convenience there is included with this notice, an application for appeal.

If you have questions relating to procedures on the appeal, please contact the Zoning Office at (314) 622-3666.

cc: Zoning
Don Roe
Business Assistance Center
NSO
License Collector
Alderman John Collins-Mohammad
Files

Yours truly,

Cherise D. Jones
Cherise D. Jones, Secretary
Board of Public Service

MACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
3920 LINDELL BLVD.
SUITE 200
ST. LOUIS, MISSOURI 63108

****MACARTHUR MOTEN**
*** STEVE D. BROOKS**

of Counsel
***JENNIFER H. FISHER**

TELEPHONE:

(314) 645-9500

(314)-535-2948

FAX: (314) 645-9504

LICENSED TO PRACTICE IN

****MISSOURI/ILLINOIS**

***MISSOURI**

lawoffices1011@gmail.com

www.macarthurmoten.com

July 12, 2019

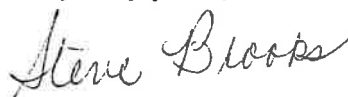
St. Louis City Board of Adjustment
1200 Market Street (City Hall)
Room 400
St. Louis, MO 63103

Re: Owydat, Mazen
West Florissant BP
4126 W. Florissant

Dear Sir/Madam:

This comes as application for an appeal of the Board of Public Service denial dated June 25, 2019. Our application is predicated on the fact that the Board's decision was arbitrary, capricious and not found in cogent facts per law. Further, and by way of discovery, we formally request any and all reports, memorandum and documents regarding any complaints about the business. Lastly, we request a hearing before the full Board of Adjustment with dispatch. If further elaboration is required, please advise.

Very truly yours,



Steve D. Brooks
Attorney at Law

SDB/vjl



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

December 23, 2019

WEST FLORISSANT BP
c/o OWYDAT MAZEN
2931 PINERY POINT
ST. LOUIS, MO 63129

EXHIBIT

D-1

**RE: Board of Adjustment Appeal #20251
#BPS-126680 and #AOP-3847-19
4126 W. Florissant Ave.**

We are in receipt of the appeal you have filed contesting the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and a gas station, at 4126 W. Florissant Ave.

The Board of Adjustment will meet and consider your appeal on Wednesday, January 15, 2020, at 1:30 p.m., in Room 208, City Hall.

At the hearing, testimony and evidence will be accepted from you and other parties with an interest in your proposed use. As a result of the hearing, your appeal may be approved as you requested; approved with certain conditions; or denied.

In your appeal you stated: **Convenience Store and Gas Station in Zone G.**

Please be prepared to explain the above statement and answer inquiries from members of the Board of Adjustment. Your testimony and any supporting documentation you provide will assist the Board in reaching a determination on your appeal.

Your failure to appear at this hearing, or your failure to reschedule your hearing date, will result in an abandonment of your appeal.

If you need additional information or assistance, please contact the Zoning Office at 622-3666.

Sincerely,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Mary Hart Burton, Zoning Administrator
Robert Hibbs, Associate City Counselor
Board Members

Richard T. Bradley, P.E.
President

Attest:

Cherise D. Jones
Secretary

AGENDA

BOARD OF ADJUSTMENT OF THE CITY OF ST. LOUIS

Regular Meeting

January 15, 2020

1:30 p.m.

Room 208, City Hall

1. Call to order.

2. A public hearing to consider each of the following;

APPEAL #20268 - Appeal filed by Omni Express Healthcare Services, LLC, from the determination of the Building Commissioner in the denial of an occupancy permit to operate an administrative healthcare office, at 6520 Arsenal St., Ste., 223. **WARD 23 #AOP-4493-19 ZONE: "A" - Single Family Dwelling District**

APPEAL #11274 - Appeal filed by Michael Scott, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to make exterior/interior alterations, per plans (zoning only), at 5500 Oakland Ave. (cont'd from 10/2/19) **WARD 17 #AB-550392-19 ZONE: "G" - Local Commercial and Office District**

APPEAL #11286 - Appeal filed by Scott Sickert R.A., from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a four (4) car garage, with two (2) apartment units, per plans, at 4439 West Pine Blvd. (cont'd from 10/23/19) **WARD 17 #AB-548364-19 ZONE: "F" - Neighborhood Commercial District**

APPEAL #11306 - Appeal filed by Vista 2015, LLC, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a single family dwelling, per plans, at 4320 Vista Ave. **WARD 17 #AB-552287-19 ZONE: "B" - Two Family Dwelling District and ZONE: "F" - Neighborhood Commercial District and FPSE-FBC - Neighborhood General Type 3**

APPEAL #9964 - Revocation Hearing for Taylor Auto Sales from the determination of the Building Commissioner in the revocation

of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate an office and used auto sales business (no repair or painting), at 3001-03 Gravois. (cont'd from 10/2/19) **WARD 6 #AO-494363-11 ZONE: "F" - Neighborhood Commercial District**

APPEAL #20251 - Appeal filed by West Florissant BP, from the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave. (cont'd from 10/9/19) **WARD 21 #BPS-126680 / #AOP-3847-19 ZONE: "G" - Local Commercial and Office District**

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on January 8, 2020.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

AGENDA

BOARD OF ADJUSTMENT OF THE CITY OF ST. LOUIS

Regular Meeting

January 22, 2020

1:30 p.m.

Room 208, City Hall

1. Call to order.

2. A public hearing to consider each of the following;

APPEAL #20269 - Appeal filed by Cardinal Imports, from the determination of the Building Commissioner in the denial of an occupancy permit to operate a used car sales office only, no repair, no detailing, at 1100 N. Sarah. **WARD 18 #AOP-4450-19 ZONE: "F" - Neighborhood Commercial District**

APPEAL #11307 - Appeal filed by K.O. International Group, LLC, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct an Alley House, per plans, at 4007R Shaw Blvd. **WARD 8 #AB-552503-19 ZONE: "C" - Multiple Family Dwelling District**

APPEAL #11308 - Appeal filed by Kaldi's Properties, LLC, from the determination of the Building Commissioner

in the denial of a building permit authorizing the Appellant to paint a mural, per plans, at 3983 Gratiot St. **WARD 17 #AB-552554-19 ZONE: "J" - Industrial District and FPSE-FBC Boulevard Type 2**

APPEAL #11309 - Appeal filed by Universal Buddhist Congregation, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install two (2) banner wall signs, per plans, at 4611 S. Grand Blvd. **WARD 25 #AB-552567-19 ZONE: "C" - Single Family Dwelling District**

APPEAL #20198 - Revocation Hearing for Seandel L. Daniels, from the determination of the Building Commissioner in the revocation of a use variance with conditions, and an occupancy permit authorizing the Appellant to have outside storage of tractor trailers at 2601 University St. (Cont'd from 10/23/19) **WARD 3 #AOP-3093-18 ZONE: "G" - Local Commercial and Office District**

APPEAL #20056 - Revocation Hearing for Hartmann's Auto Center, Inc., from the determination of the Building Commissioner in the revocation of a use variance with conditions, and an occupancy permit authorizing the Appellant to operate a used auto sales and repair business, with towing at 3301 Sublette Ave. **WARD 10 #AOP-860-16 ZONE: "F" - Neighborhood Commercial District**

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on January 15, 2020.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

PUBLIC NOTICE

Conditional Use Hearing will be held in Room 208 City Hall at 8:30 a.m. on **Thursday, January 16, 2020.**

5067 Lindenwood AHO-4586-19- Aziza Meraj Home Daycare (Home Daycare/ 4 Children) "C" Multiple Family Dwelling District. **Sl Ward 10**

5328 Goodfellow - #AHO-4613-19- Lovable Learners Child Care Centers of America (Home Daycare/4 Children) "A" Single Family Dwelling District. **Sl Ward 27**

EXHIBIT

1-3

All labor to be performed under this contract shall be subject to the provisions of Section 290.210 to 290.340, inclusive, of the Revised Statutes of Missouri.

All bidders must regard Federal Executive Order 11246, "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity", the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth within and referenced at www.stl-bps.org (Announcements).

The right of the Board of Public Service to reject any or all bids is expressly reserved.

By Order of the Board of Public Service,

Richard T. Bradley, P.E.
President

Attest:

Cherise D. Jones
Secretary

**City of St. Louis
Office of the
Board of Public Service
REQUEST FOR
QUALIFICATIONS (RFQ)
for
Professional Engineering
Services for Traffic
Management
Enhancements - Phase 4,
St. Louis, Missouri, Project
No. CMAQ-9901(656).**

Statements of Qualifications due by 5:00 PM CT, JANUARY 10, 2020 at Board of Public Service, 1200 Market, Room 301 City Hall, St. Louis, MO 63103. RFQ may be obtained from BPS website www.stl-bps.org, under On Line Plan Room-Plan Room, or call Board of Public Service at 314-622-3535. 16% DBE participation goals.

**AGENDA
BOARD OF ADJUSTMENT
OF THE CITY OF ST. LOUIS
Regular Meeting
January 8, 2020
1:30 p.m.
Room 208, City Hall**

1. Call to order.

2. A public hearing to consider each of the following;

APPEAL #20266 - Appeal filed by D/B/ A Mini Cinema, from the determination of the Building Commissioner in the denial of an occupancy permit to operate a movie theater with a single screen, with up to 60 seats, with a concession stand with popcorn and hotdogs (but no other cooking) and a full drink bar with rear patio (no cooking), at 5228 - 5230 Gravois Ave. **WARD 13 #AOP-4215-19 ZONE: "F" - Neighborhood Commercial District**

APPEAL #20278 - Appeal filed by Kamal Muhammad, from the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a meeting hall (no liquor and no cooking), at 2035 Shenandoah **WARD 7 #BPS-127952 / #AOP-3597-19 ZONE: "G" - Local Commercial and Office District**

APPEAL #20279 - Appeal filed by Broadway Ford Truck Sales, Inc, from the determination of the Building Commissioner in the denial of an occupancy permit to operate a truck repair business, no body work, no painting, with outside storage, at 111 Winnebago Ave. **WARD 20 #AOP-4595-19 ZONE: "J" - Industrial District**

APPEAL #11305 - Appeal filed by 4001 Investors, LLC. from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a multi-family & commercial building, per plans (zoning only), at 900 S. Sarah St. **WARD 17 #AB-552063-19 ZONE: Forest Park Southeast - FBD Neighborhood Center Type 1 Envelope Standard and Zone "G" - Local Commercial and Office District**

APPEAL #7764 - Revocation Hearing for St. Louis Motor Company from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate a used auto sales at 2743 Gravois Ave. (continued from 9/25/19) **WARD 6 #AO-171233-99 ZONE: "F" - Neighborhood Commercial District**

APPEAL #7446 - Revocation Hearing for B Link Auto Sales, from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit authorizing the Appellant to operate a used car sales lot at 2719-27 Gravois Ave. (continued from 9/11/19)

WARD 6 #AO-123492-97 ZONE: "F" - Neighborhood Commercial District

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on December 18, 2019.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

**AGENDA
BOARD OF ADJUSTMENT
OF THE CITY OF ST. LOUIS
Regular Meeting
January 15, 2020
1:30 p.m.
Room 208, City Hall**

1. Call to order.

2. A public hearing to consider each of the following;

APPEAL #20268 - Appeal filed by Omni Express Healthcare Services, LLC, from the determination of the Building Commissioner in the denial of an occupancy permit to operate an administrative healthcare office, at 6520 Arsenal St., Ste., 223. **WARD 23 #AOP-4493-19 ZONE: "A" - Single Family Dwelling District**

APPEAL #11274 - Appeal filed by Michael Scott, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to make exterior/interior alterations, per plans (zoning only), at 5500 Oakland Ave. (cont'd from 10/2/19) **WARD 17 #AB-550392-19 ZONE: "G" - Local Commercial and Office District**

APPEAL #11286 - Appeal filed by Scott Siekert R.A., from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a four (4) car garage, with two (2) apartment units, per plans, at 4439 West Pine Blvd. (cont'd from 10/23/19) **WARD 17 #AB-548364-19 ZONE: "F" - Neighborhood Commercial District**

APPEAL #11306 - Appeal filed by Vista 2015, LLC, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a single family dwelling, per plans, at 4320 Vista Ave. **WARD 17 #AB-552287-**

19 ZONE: "B" - Two Family Dwelling District and ZONE: "F" - Neighborhood Commercial District and FPSE-FBC - Neighborhood General Type 3

APPEAL #9964 - Revocation Hearing for Taylor Auto Sales from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate an office and used auto sales business (no repair or painting), at 3001-03 Gravois. (cont'd from 10/2/19) **WARD 6 #AO-494363-11 ZONE: "F" - Neighborhood Commercial District**

APPEAL #20251 - Appeal filed by West Florissant BP, from the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave. (cont'd from 10/9/19) **WARD 21 #BPS-126680 / #AOP-3847-19 ZONE: "G" - Local Commercial and Office District**

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on January 8, 2020.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

PUBLIC NOTICE

Conditional Use Hearing will be held in Room 208 City Hall at 8:30 a.m. on **Thursday, January 9, 2020.**

4220 W. Page - #AHO-4598-19- MJ's Childcare (Home Daycare/10 Children) "C" Multiple Family Dwelling District. Sl **Ward 4**

5810 Mimika - # AHO-4616-19- Dailey Care Daycare (Home Daycare/4 Children) "F" Neighborhood Commercial District. Sl **Ward 27**

2308 Palm - # AHO-4622-19- Lynka Davis Home Childcare (Home Daycare/6 Children) "A"-Single Family Dwelling District. Dm **Ward 3**

2501 N. Grand - #AOP-4610-19- Grand & Grill (Convenience Store/Cooking/Full Packaged Liquor) "H" Area Commercial District. Sl **Ward 3**

4010 Gravois - # AOP-4142-19- Ab-Dalla Store (Convenience Store/Wire Transfer) "G"-Local Commercial and Office District. Sl **Ward 15**

5623 Leona - # AOP-4573-19- The Stellar Hog, LLC (Restaurant/Full Liquor/Outside Seating/Sit Down/Carryout) "F"-Neighborhood Commercial District. Sl **Ward 13**

2323 S. Jefferson - # AB-553220-19- Nova Group Inc (Construct Commercial Building/Gas Station/Convenience Store) "F"-Neighborhood Commercial District. Dm **Ward 6**

4201-29 Lindell - # AB553405-19- Trivers (Interior Alterations per plans for Hotel/Zoning Only) "H"-Area Commercial District. Eg **Ward 18**

PUBLIC NOTICE

Conditional Use Hearing will be held in Room 208 City Hall at 8:30 a.m. on **Thursday, January 16, 2020.**

5067 Lindenwood AHO-4586-19- Aziza Meraj Home Daycare (Home Daycare/4 Children) "C" Multiple Family Dwelling District. Sl **Ward 10**

5328 Goodfellow - #AHO-4613-19- Lovable Learners Child Care Centers of America (Home Daycare/4 Children) "A" Single Family Dwelling District. Sl **Ward 27**

5950 Alpha - #AHO-4632-19- Linda Fields Day Care (Home Daycare/2 Children) "A"-Single Family Dwelling District. Dm **Ward 27**

5212 Emerson - #AHO-4629-19- Quality Control Construction, LLC (Carpentry/Office Use Only) "A" Single Family Dwelling District. Dm **Ward 27**

2720 N. 14th St - #AOP-4623-19- Dough Joe's (Commercial Kitchen) "F"-Neighborhood Commercial District. Sl **Ward 5**

5570 Fyler - #AB-553536-19- Time Remodeling (Interior/Exterior Alterations for Daycare) "F"-Neighborhood Commercial District. Sk **Ward 23**

5615-53 Ashland - #AB-553040-19- MSD (Construct Bio-Retention Cell per plans for Rain Garden) "C"-Multiple Family Dwelling District. Te **Ward 22**

5614-16 Hebert/5618-36 Hebert - #AB-553041-19- MSD (Construct Bio-Retention Cell per plans for Rain Garden) "C"-

Multiple Family Dwelling District. Te **Ward 22**

REQUEST FOR PROPOSAL (RFP)

The Firefighters' Retirement Plan is currently searching for a Core Mid CAP Investment Manager closing **Jan. 23, 2020** at 5 pm est., and a Core Small CAP Investment Manager closing **Jan. 24, 2020** at 5 pm est. The search is being conducted by the Plan's Investment Manager, Dahab Associates and the RFPs can be found on the Dahab website:

MID : <https://www.dahab.com/media/rfps/St.%20Louis%20MCC%202020.docx>

SML: <https://www.dahab.com/media/rfps/St.%20Louis%20SCC%202020.docx>

DEPARTMENT OF PERSONNEL

NOTICE OF EXAMINATIONS

The City of St. Louis, Department of Personnel at 1114 Market Street, Room 700, announces competitive Civil Service examinations to fill vacancies in the Municipal Service.

The last date for filing an application for the following examinations is **JANUARY 10, 2020.**

ATTORNEY II

Prom./O.C. 2852

\$65,832 to \$98,670 (Annual Salary Range)

PROGRAM WORKER

(Department of Human Services) (Per Performance)

O.C. 3052

\$11.31 (Hourly Salary)

Applications for the following examination will be accepted until a sufficient number are received to fill the anticipated vacancies. Please submit application as soon as possible.

ELECTRICIAN FOREMAN

Prom./O.C.C. 3053

\$52,312 to \$69,836 (Annual Salary Range)

Vacation, Holidays, Medical Leave, Social Security, and Employees Retirement System Benefits privileges are provided in

EXHIBIT

P-1



PUBLIC NOTICE

Notice is hereby given that an Appeal from the Building Commissioner has been made for the purpose of seeking a permit to: operate a convenience store and gas station @ 4126 W. Florissant Ave.

A public hearing will be held on Wednesday, January 15, 2020 in Room 208, City Hall at 1:30 p.m.

Word 21 ABPS-12480/HAPP-3847-19 Appeal #120257
Board of Adjustment
\$500.00 FINE FOR REMOVING OR
DEFACING THIS PUBLIC NOTICE

12/13/2019



EXHIBIT

F-1



EXHIBIT
7-1

6.4



EXHIBIT

G-1





Gutierrez, Andrea <gutierrez@stlouis-mo.gov>

BP STATION APPEAL #20251

2 messages

Pieces Dream <dreamandvisions@gmail.com>

Wed, Jan 8, 2020 at 4:24 PM

To: gutierrez@stlouis-mo.gov

Please advise me if you receive this email.

I would like my statement read and entered into record for my REFUSAL FOR BP STATION TO REMAIN OPEN AT 4126 WEST FLORISSANT

Amber ColeBreath of Life Christian Fellowship Church
and Global Outreach Ministries

Cole Blooded Ministries

Pieces of a Dream, Inc.

314-583-2469

Dreamandvisions@gmail.com

EXHIBIT
H-1

WARNING: The information included and/or attached in this electronic mail transmission may contain confidential or privileged information and is intended solely for the addressee(s). Any unauthorized disclosure, reproduction, distribution or the taking of action in reliance on the contents of the information are strictly prohibited. If you have received the message in error, please notify the sender by reply transmission and delete the message without copying, disclosing or forwarding

**Board of Appropriation BP Station.docx**

20K

Gutierrez, Andrea <gutierrez@stlouis-mo.gov>

Thu, Jan 9, 2020 at 1:37 PM

To: Pieces Dream <dreamandvisions@gmail.com>

I have received your email. I have printed your email request and the letter and have placed in the file.

Thank you,

*Drea Gutierrez**Secretary II**City of St. Louis, Board of Adjustment**T - 314.622.3666**F - 314.552.7617*

[Quoted text hidden]

EXHIBIT

H-1

January 8, 2020

To Saint Louis City Board of Adjustment:

Please submit to record.

I am writing to express my adamant in agreement to not to allow the **BP Gas Station at 4126 West Florissant to remain in business in our community**. Since the beginning of the quest of my community very little improvement has been made.

I am under the impression that a private business owner is liable for two types of negligence in failing to keep the premises safe: In my opinion, The BP Station is:

- A nuisance and negligence arisen from all the illicit and criminal activities on the premises; and
- The BP Station is a nuisance and in negligence that have arisen from a premises defect thus the erosion and the intentional attempted the decade of our community and our next generation which is our future

When a person is injured as a result of a condition(s) on the premises than any conduct occurring at the time of injury is responsible the harm that imposed on the community and its residents. Because of BP Station failure to improve its condition as ordered/request --- on a consistent manner it has inflicted harm of our community (seniors, residents and youth) They should be held liable for their failure to comply. Because of their neglect to provide;

- ongoing security during the timeframe that was advised;
- allowing individuals to conjugate on their parking lot;
- allowing drug sale to be made;
- to continue to sell "Drug paraphernalia" any equipment, product or accessory that is intended or modified for making, using, or concealing drugs (I personally purchased the "A Rose Envelope" \$5.00 to not to take someone word and I turned it into an officer.
- solicitation of prostitution: prostitute advertises his or her availability to perform sexual acts for compensation.

As an owner of this business BP Station should be held liable for injuries incurred by reason of the condition of their premises in the absence of negligence or maintenance of a nuisance property that caused injuries of its community members --- **THUS THE O'FALLON COMMUNITY LOCATED IN THE 21ST WARD!!!**

These owners should be held liable of their lack of action(s) for the injuries that they have allowed to happen in this community rather fully or partial. They are providing a disservice to this community which is struggling to maintain its character and grander. A business has a duty to exercise reasonable care for our vulnerable citizens. They cannot walk down the street without a dealer or a prostitute approaching them.

We have taken the steps and measure for this business to rectify his behavior with little or any improvement consistently. We have

Amber Cole
2007 East Fair Avenue
21st Ward

- **SHOW ADEQUATE REMEDIAL MEASURES** Work with the Police Department to take steps to show adequate remedial measures to reduce, eliminate, or prevent future recurrences of nuisance behavior, such as installing and maintaining security cameras and sufficient lighting around the business and request for PAID security;
- ***This business is a CHRONIC NUISANCE BUSINESS, GROSS NUSCIENCE AND NEGLIGENCE IN THIS COMMUNITY IN THEIR RECKLESS BEHAVIOR AND DISREGARD FOR THE SAFETY THAT "THEY" CHOOSE TO RECEIVE THEIR INCOME***
- Their negligence is of such a degree and recurrence as to manifest culpability, wrongful intent, or evil design and appear to show an intentional and substantial disregard of the interests of this community.

Please consider NOT allowing the BP Station no further CONTINUESOUS AND IMMEDIATED CLOSURE OF this business ---BP STATION LOCATED AT 4126 West Florissant

Amber Cole

21st Ward Resident

NOTE: Based on the city records the taxes that are collected does not cover the havoc that is occurring in our community... Police Call, Ambulance, Fire Department, Individuals Overdosing, loss of income, destruction of the family. Loss of a Future Generation... just to name a few.

OWYDAT, MAZEN Occupancy 04/15/2019 CONVENIENCE STO \$0.00
CONVENIENCE STORE W/GAS STATION (NO CARWASH, NO LIQUOR, NO COOKING)

2019	\$0.00	\$0.00	\$531.36	\$3,175.78	\$3,175.78	\$0.00
2018	\$0.00	\$0.00	\$519.88	\$3,189.02	\$3,189.02	\$0.00
2017	\$0.00	\$0.00	\$519.88	\$3,143.25	\$3,143.25	

MACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
SUITE 200
3920 LINDELL BLVD.
ST. LOUIS, MISSOURI 63108

EXHIBIT
I I

**MACARTHUR MOTEN
* STEVE D. BROOKS

of Counsel
*JENNIFER H. FISHER

TELEPHONE:

(314) 645-9500

(314)-535-2948

FAX: (314) 645-9504

LICENSED TO PRACTICE IN
**MISSOURI/ILLINOIS
*MISSOURI
lawoffices1011@gmail.com
www.macarthurmoten.com

TELEFAX COVER SHEET

DATE: 1-14-2020

TOTAL PAGES: 4 (INCLUDING COVER)

TO: COMPANY ST. LOUIS BD OF ADJUSTMENT

ATTENTION ANDREA

FAX NUMBER 314-552-7617

FROM: STEVE D. BROOKS

RETURN FAX NUMBER: (314) 645-9504

Please call JACKIE at (314) 645-9500, if you have any
difficulty receiving this fax or do not receive the correct number of pages.

This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use
of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or
agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination
or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify
us by telephone immediately and return the original facsimile to us or return to the above address by way of
the U.S. Postal Service.

Contents:

EXHIBIT

I. 1

MACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
SUITE 200
3920 LINDELL BLVD.
ST. LOUIS, MISSOURI 63108

**MACARTHUR MOTEN
* STEVE D. BROOKS

of Counsel
*JENNIFER H. FISHER

TELEPHONE:

(314) 645-9500

(314)-535-2948

FAX: (314) 645-9504

LICENSED TO PRACTICE IN
**MISSOURI/ILLINOIS
*MISSOURI
macarthurmoten@att.net
www.macarthurmoten.com

January 14, 2020

St. Louis Board of Adjustment
c/o Andrea
City Hall
1200 Market Street
St. Louis, MO 63103-2806

RE: Our client: Owydat Mazen
West Florissant BP
4126 W. Florissant Avenue

Dear Andrea:

It is my impression that a hearing was held on October 9, 2019, and my client fully participated. A subsequent hearing is set for tomorrow at 1:30 pm. Please be advised that we once again request that this hearing be continued pending receipt of the document pursuant to our sunshine request (see Exhibit 1). We have made timely requests for documents both formally and informally, to no avail.

If further elaboration is required, please advise.

Yours Very Truly,



STEVE D. BROOKS
Attorney at Law

STLOUIS-MO GOV
Mayor Lyda Krewson

File a Request for Public Records

Make a Sunshine Request.

Step 4 of 4: Confirmation

Your sunshine request was successfully submitted

Request Overview

Service Request (SR)ID:

1273110

Location:

4126 W. Florissant A V

Request Initiated:

09/27/2019 11:03AM

Dept To Receive SR:

Sunshine Law Coordinator,

Dept Response Due By:

10/02/2019

Contact Information

Business/Organization Name:

MacArthur Moten, P.C.

First Name:

Steve

Last Name:

Brooks

Email:

Lawoffice1011@gmail.com

Address:

3920 Lindell suite 200 St. Louis, Mo, 63108

Apt:

N/A

Daily Phone:

(314) 645-9500

Home Phone:

N/A

Request Details

Description and items requested

Please provide all records including but not limited to photos, written complaints, inspection summaries and any other documents that formed the basis of the denial of West Florissant BP's application for occupancy on or about June 18, 2019.

1126 Jan 15th, 2020Exhibit A 1
2

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

	Name	Address	Date
1.	M. Smith	4556 Fairview	JAN, 2020
2.	WISA Little	4607 Monroe	1/7/2020
3.	Barbara Wilbert	4410 Holly	1-7-2020
4.	STEVE B. SIMPSON	11 HENRIETTA	1.7.2020
5.	IV BROWN	4605 Lee	1-7-2020
6.	Everdelyn Smith	1915 E. Shaw	1-7-2020
7.	Gerry Rodgers	4547 Chamberlain	1-7-2020
8.	Queen E. Schuler	2149 E. Warner	1-7-2020
9.	Ardele Morris	4917 Margaret Ave	1-7-2020
10.	Kenny Marshall	4466 N. Taylor	26-7-2017
11.	Jennifer Jones	4627 Shirley	1-7-20
12.	Mimi Dree	5380 Rusk	1-7-20
13.	Xenepher F. Wiley	1115 East Olear	1-7-20
14.	Ben Allen	4416 Rice	1-7-20
15.	Edna Smith	4668 Pope	1-7-2020

EXHIBIT

5.1

16th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

16.	Rose Sims 5524 Emerson St. Louis MO 63120	5524 Emerson St. Louis MO 63120	January 2020
17.	Charles Howell	4847 Wabasha 63113	Jan - 20 20
18.	Zachary Bjelkew	4041 St. Louis 20	1/7/20
19.	Jessie Edwards	5827 E. Fair St. Louis MO 63147	1/7/20
20.	D'Angelo Tucker	3111 Marnice PL	1/7/20
21.	Kudantay	3620 Leeward	1/7/20
22.	Shannon Givens		1-7-20
23.	Willie Berry	3620 Leeward	1-7-20
24.	Natane Wilkey	4902 Theodore	1-7-20
25.	Penney M. Elliott		1-7-2020 d
26.	Michael I Harris	4524 Clarence	1-7-2020
27.	Kenox Lewis	5356 N. Kingshighway	1-7-2020
28.	Sheila Bass 5073 Day	5076 Day	1-7-2020
29.	Doris P. Preston	2021 E. Fair Ave.	1-7-20
30.	Roberta Johnson	2019 E. Fair 63107	1-7-20
31.	Patricia Hays	2048 East Hays	1-7-2020

18th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

32.	Jeraline Hopkins	4406 Fair Ave	1-7-2020
33.	Phillip Bowden	4411 Fair Ave	1-7-2020
34.	Karl W. Lytle	4461 LOTUS AVE ST LOUIS 63113	1-7-2020
35.	Laron Lucien	4410 Clearance	1-7-2020
36.	Michael Fearce	4512 Fair Ave	1/7/20
37.	Alvin A. Smith	4560 Harris	1/7/20
38.	Catherine Clark	4547 Harris	1/7/20
39.	Deshaun Watson	4615 Dope	1/7/20
40.	Michael Austin	4555 Athlone	1-7-20
41.	Leonard Lee	4508 Athlone	1-7-20
42.	Diana Wingo	4005 Lexington	1-8-2020
43.	Robert Swanson	10023 Penness	1-8-20
44.	Pearline Daniel	5068 Claxton	1-8-2020
45.	Tony [unclear]	1249 [unclear]	
46.	Jo Parks	1260 Fair	
47.	Myron Jones	1-7-8-20	1-8-20
		2661 East Fair	

18th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25,
2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas
Station) occupancy/operations AND Requesting (BOA) to Deny Future
Applicant Requests For Extensions and/or Continuances.

48.	Florine Thompson	4509 ^A Fair Ave.	1-7-2020
49.	Adrienne T Latham	63115 4556 Adelaide Ave	1-8-2020
50.	Darrin Latham	4996 Adelaide Ave	1-8-2020
51.	CAROLYN WASHINGTON	4111 W. Florissant	1-8-2020
52.	CHARLIE WASHINGTON	4111 W FLORISSANT	1-8-20-20
53.	Caroline Orr	4236 W. Florissant	1/9/2020
54.	CARL WILSON	4550 Red Bud	1/9/2020
55.	BERTHA WILSON	4550 Red Bud	1/9/2020
56.	Kazia Steele	4516 A Red Bud	1/9/2020
57.	JOHN BRUNNER	4506 Red Bud	1/9/2020
58.	Fredrick Jackson	4515 Red Bud	1-9-2020
59.	Kathy Coleman	4515 Red Bud	1-9-2020
60.	Angela Meeks	4519 Red Bud	1-9-2020
61.	Barbara Clark	4530 Red Bud	1-9-2020
62.	Melissa Beyer	4556 Fair A	1-9-2020
63.	Barbara Masson	4563 Fair Ave A	1/11/19

18th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25,
2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas
Station) occupancy/operations AND Requesting (BOA) to Deny Future
Applicant Requests For Extensions and/or Continuances.

64.	Shameka Meeks	4519 Red Bud	1-9-2020
65.	Louise Brummer	4506 Red Bud	1/9/20
66.	Allen Thomas	4502 Fair Ave	1-9-20
67.	Donathy Clark	4559 Fair	1-11-20
68.	Cynthia Kennedy	4516 Red Bud	1/9/20
69.	[Signature]	4577 Fair	1-11-2020
70.	[Signature]	4517 Fair	1/11/2020
71.	[Signature]	4517 Fair	1/11/2020
72.	Leroy Sanders	4531 Fair	1/11/2020
73.	Ticharwa Mabimba	4535 Fair Ave	1/11/2020
74.	Brandi Arrington	4535 Fair Ave	1/11/20
75.	Mariah Palmer	4517 Fair Ave	1/11/20
76.	Laura Jones	4549 Fair	1-11-20
77.	[Signature]	2514 ADA	1-11-20
78.	[Signature]	2049 Adelaide	1-11-20
79.	[Signature]	2044 Adelaide	1-11-20

18th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

80.	<i>De K. Luth</i>	4556 Adelaide	1-11-2020
81.	<i>Barbara M Scales</i>	4702 LEE ⁶³¹¹⁵	1-11-2020
82.	<i>Barbara Lane</i>	1900 E Adelaide	1-12-2020
83.	<i>Maria Brannon</i>	8106 EAST ALICE	1-12-2020
84.	<i>Tommy</i>	2106 E ALICE	1-12-2020
85.	<i>Shirley Ewitt</i>	4540 Red Bud	1-12-2020
86.	<i>Joe Stewart</i>	2116 E Fair	1-12-2020
87.	<i>Sharon Stencott</i>	" "	1-12-2020
88.	<i>JOANNIE CASEY</i>	" "	1-12-2020
89.	<i>Eula Dee</i>	2105 EAST FAIR	1-12-2020
90.	<i>ATHANSON</i>	2107 E. FAIR	01-12-2020
91.	<i>VESS Evans</i>	2114 E. FAIR	1/12/20
92.	<i>Keith</i>	2114 E. Fair	1/12/20
93.	<i>Monica Henson</i> ^{RTH}	2111 East Fair	1-12-20
94.	<i>Ronald Henson</i>	2111 East Fair	1-12-20
95.	<i>Taren Goodwin</i>	2102 E Fair	1-12-20

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Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

96.	L.P. Smith 2122 E. FAIR AVE	1-12-2020
97.	Penelope Adams 2122 Fair	1-12-2020
98.	Erica Bentley 4548 FAIR	1-12-2020
99.	Alison Richardson 4548 FAIR	1-12-2020
100.	Katherine Harris 4556 FAIR	1-12-2020

1842

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25,
2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas
Station) occupancy/operations AND Requesting (BOA) to Deny Future
Applicant Requests For Extensions and/or Continuances.

	Name	Address	Date
1.	Mary G. Harris	7556 Fair Ave	01-12-20
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Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances. (18+)

	Name	Address	Date
1.	John Hutchens	4114 Greenleaf	1-7-20
2.	Donald Wells	4209 Fair	1-8-20
3.	Kenneth Lee Callis	4217 Clay Ave	1-8-20
4.	Deane White	4435 Hawthorne	1-12-20
5.	Herdosia Bentom	4207 College	1-15-20
6.	Steve Brock	2128 E Alice	1-15-20
7.	Alicia Murphy	4547 Alice	1-15-2020
8.	Rev. Jackson	4540 Avenue E	
9.	Kevin Stewart	4561 Alice	1-15-2020
10.	(Signature)	4560 Alice	
11.	Lan Chiles	4543 Alice	1-15-2020
12.	McGhee, Donald	4533 Alice	1-15-2020
13.	Lorita of year	4532 Alice	1-15-2020
14.	Monica Hene	4425 Harris	1-15-2020
15.	Robert Turner	4426 Harris	1-15-2020

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.


16.	<i>[Signature]</i> 4126 Harris 1/15/00		
17.	Gerald Hassen Naiman		
18.	Heaven Arch		
19.	Jaye Union 4537 Harris		
20.	Luther Burden 4537 Harris		
21.	Shamaya Campbell 4567 Harris		
22.	Maria Owens Thomas 4567 Harris		
23.	Willie A. Thomas 4567 Harris		
24.	Stephens Owens 4567 Harris		
25.	Maria J. Robertson 4567 Harris		
26.	Magdalen Owens 4567 Harris		
27.	Clara Brooks 4567 Harris		
28.	<i>[Signature]</i> 4540 Harris		
29.	Cynthia Patrick 4531A Harris		
30.	Laura J. Farrell 4528 Harris		
31.	Chris St. 4528 Harris		

18th

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25,
2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas
Station) occupancy/operations AND Requesting (BOA) to Deny Future
Applicant Requests For Extensions and/or Continuances.

32.	Cyrus Patterson	4427 Harris	
33.	Devonte Jiles	4427 Harris	
34.	Kamilton Graham	4427 Harris	
35.	Ruth Wheeler	4188 Sacramento Ave 63115	
36.	Jawana Braddy	4411 Fair Ave	
37.	Barbara Hall	2026 E. Adelaide	
38.	Genia Robinson	2044 E. Adelaide	
39.	Jessie Burnley	2137 E. Adelaide	
40.	Don Handley	2013 E. Hice	598098
41.	Carl Johnson		
42.	Yndell Bundy		
43.	Leith Brown		
44.	James Dillard		
45.	Frankie Hony		
46.	Ella Pittman		
47.	Bob Wilson		

Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

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Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

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Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

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Supporters of City of St. Louis, Board of Adjustment's (BOA) June 25, 2019 ruling DENYING 4126 W. Florissant, BP Gas Station (Store/Gas Station) occupancy/operations AND Requesting (BOA) to Deny Future Applicant Requests For Extensions and/or Continuances.

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10/14/2019

EXHIBIT

I/NetViewer : Event Search

Enter ID#

K. I.

Main Events Units Messages Lineups Inquiry Configure

Event Search Results (515 Returned)

Show 100 Entries

All Events

EventsFrom10/14/17 - 10/14/19

Agency	DGroup	Date/Time	Event	Type	Subtype	Dispo	Case Number	Primary Unit	Location	Status	Priority	Area	Primary Employee Id	District
SLMPD	DIST6	11/22/18 19:46:06		FIGHT		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	8785	6
SLMPD	DIST6	11/23/18 00:48:53		DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	8800	6
SLMPD	DIST6	11/23/18 01:20:16		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8800	6
SLMPD	DIST6	11/23/18 04:38:48		DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	8800	6
SLMPD	DIST6	11/28/18 23:59:03		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8800	6
SLMPD	DIST6	11/30/18 07:42:57		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11670	6
SLMPD	DIST6	11/30/18 08:52:20		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/01/18 23:51:35		SUSPP		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	6459	6
SLMPD	DIST6	12/02/18 01:30:49		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	6519	6
SLMPD	DIST6	12/04/18 03:16:16		BINT					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/04/18 09:09:59		52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8785	6
SLMPD	DIST6	12/05/18 00:05:02		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/05/18 01:02:09		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	NPD	12/05/18 10:35:53		52					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/07/18 00:26:33		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11550	6
SLMPD	DIST6	12/07/18 00:41:51		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11692	6
SLMPD	DIST6	12/08/18 00:47:05		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/09/18 17:33:49		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	6933	6
SLMPD	DIST6	12/11/18 00:57:39		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/11/18 06:26:33		SUSPO		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11685	6
SLMPD	DIST6	12/11/18 13:25:29		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11698	6
SLMPD	DIST6	12/11/18 14:32:37		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11698	6
SLMPD	DIST6	12/11/18 16:47:59		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11698	6
SLMPD	DIST6	12/11/18 18:06:46		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6

Agency	Dispatch	Date/Time	Event	Type	Subtype	Dispo	Case Number	Priority	Location	Status	Priority	Assign	Primary/Emp. Count	Contract
SLMPD	DIST6	12/11/18 20:59:10		28					4126 W FLORISSANT AVE CITY:BM BLK PANTS GRAY JACKET	Closed - Assigned	9	68		6
SLMPD	DIST6	12/12/18 19:49:29	MISPLACED	DIST		N			4126 W FLORISSANT AVE CITY: SHELL STATION	Closed - Assigned	2	68	11640	6
SLMPD	DIST6	12/15/18 03:28:49		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8800	6
SLMPD	DIST6	12/16/18 01:57:57			CFPHELP	U			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11733	6
SLMPD	DIST6	12/18/18 14:38:19			CFPOPEN	N			4126 W FLORISSANT AVE CITY	Closed - Assigned	3	68	11591	6
SLMPD	DIST6	12/19/18 09:07:44	MISPLACED	DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	8785	6
SLMPD	DIST6	12/20/18 01:13:26		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8166	6
SLMPD	DIST6	12/21/18 01:13:15		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11692	6
SLMPD	DIST6	12/21/18 03:54:39		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/21/18 04:34:39	MISPLACED	29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/22/18 18:49:39	DISPATCH	DOWN		ASSNCASE	C18060409		4126 W FLORISSANT AVE CITY	Closed - Assigned	3	68	11491	6
SLMPD	SODD	12/22/18 20:19:13		ETU		CANCELEV			4126 W FLORISSANT AVE CITY	Closed - Assigned	4	68		6
SLMPD	DIST6	12/23/18 22:16:36		DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11491	6
SLMPD	DIST6	12/24/18 01:11:29		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	12/26/18 00:25:55			CFPHELP	N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11392	6
SLMPD	DIST6	12/28/18 06:34:47		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11699	6
SLMPD	DIST6	12/29/18 00:43:13		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	12/29/18 20:32:33		FIRE		O			4126 W FLORISSANT AVE CITY	Closed - Assigned	3	68	11732	6
SLMPD	DIST6	12/30/18 23:48:33	MISPLACED	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/02/19 04:27:12			CFPHELP	ASSNCASE	C19000178		4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11764	6
SLMPD	DIST6	01/03/19 00:13:17		52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/03/19 23:57:02		52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/04/19 03:31:13		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11764	6
SLMPD	DIST6	01/07/19 14:07:23		DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11699	6
SLMPD	DIST6	01/07/19 22:27:23		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11733	6
SLMPD	DIST6	01/09/19 00:25:54		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6

10/14/2019

I/NetViewer : Event Search

Agency	D Group	Date/Time	Event	Type	Subtype	Dispo	Case Number	Primary Unit	Location	Status	Priority	Area	Primary Employee ID	Days
SLMPD	DIST6	01/10/19 00:35:29		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	SODD	01/10/19 12:07:30		INVEST		ASSNCASE	C19001582		4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	7993	6
SLMPD	DIST6	01/11/19 00:24:38		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/13/19 00:02:08		52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/14/19 03:32:09		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/15/19 02:27:54		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	8800	6
SLMPD	DIST6	01/16/19 16:07:16		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	01/17/19 00:10:19		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11688	6
SLMPD	DIST6	01/17/19 02:57:45		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11132	6
SLMPD	DIST6	01/18/19 01:23:32		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11568	6
SLMPD	DIST6	01/18/19 23:57:40		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11568	6
SLMPD	DIST6	01/19/19 00:55:46		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11392	6
SLMPD	DIST6	01/19/19 23:52:42		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/22/19 03:07:27		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	01/23/19 03:04:15		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	01/24/19 08:15:45		DIST		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11698	6
SLMPD	DIST6	01/25/19 01:24:23		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11568	6
SLMPD	DIST6	01/25/19 22:21:51		SUSPO		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	4875	6
SLMPD	DIST6	01/27/19 01:41:28		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11640	6
SLMPD	DIST6	01/28/19 00:52:43		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	01/29/19 00:29:39		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/05/19 04:15:21		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11568	6
SLMPD	DIST6	02/06/19 00:45:52		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/06/19 00:50:06		29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11392	6
SLMPD	DIST6	02/07/19 01:51:25		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11568	6
SLMPD	DIST6	02/08/19 00:26:03		29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/08/19 07:35:53		DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11723	6
SLMPD	DIST6	02/08/19 10:18:04		INVEST					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6

10/14/2019

I/NetViewer : Event Search

Agency	Group	Date/Time	Event	Type	Subtype	Dispo	Case Number	Permit/Status	Location	Status	Priority	Area	Primary/Employee ID	District
SLMPD	DIST6	02/09/19 02:08:22	Investigation	29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/09/19 11:09:07	Investigation	INVEST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	3784	6
SLMPD	DIST6	02/11/19 05:07:06	Fight	FIGHT		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11132	6
SLMPD	DIST6	02/14/19 13:48:03	Investigation	27					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/16/19 05:06:55	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11392	6
SLMPD	DIST6	02/16/19 21:11:18	Disturbance	DIST		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11760	6
SLMPD	DIST6	02/17/19 05:11:59	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11392	6
SLMPD	NPD	02/17/19 17:16:34	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11670	6
SLMPD	DIST6	02/17/19 18:07:44	Disturbance	DIST		G			4126 W FLORISSANT AVE CITY BP GAS STATION	Closed - Assigned	2	68	11329	6
SLMPD	DIST6	02/19/19 02:02:27	Investigation	29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/20/19 03:39:58	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11431	6
SLMPD	DIST6	02/22/19 09:04:55	Investigation	52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	02/22/19 09:04:56	Investigation	52		DUPNCA			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/23/19 03:36:09	Investigation	29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11738	6
SLMPD	DIST6	02/23/19 06:04:57	Investigation	SUSPP		G			4126 W FLORISSANT AVE CITY	Closed - Assigned	2	68	11738	6
SLMPD	DIST6	02/24/19 05:11:01	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11431	6
SLMPD	DIST6	02/25/19 06:33:19	Disturbance	DIST		G			4126 W FLORISSANT AVE CITY BP	Closed - Assigned	2	68	11379	6
SLMPD	DIST6	02/25/19 07:55:46	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11764	6
SLMPD	DIST6	02/25/19 09:10:29	Investigation	29					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	NPD	02/25/19 11:49:43	Investigation	28					4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68		6
SLMPD	DIST6	02/26/19 02:32:04	Investigation	29		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	11431	6
SLMPD	DET1	02/26/19 12:29:13	Investigation	52		N			4126 W FLORISSANT AVE CITY	Closed - Assigned	9	68	3409	6

Page 3 of 6 pages

First Prev 1 2 3 4 5 6 Next Last



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

October 23, 2019

West Florissant BP
c/o Owydat Mazen
2931 Pinery Point
St. Louis, MO 63129

**RE: Board of Adjustment Appeal #20251
4126 W. Florissant Ave.**

Attached are the proceedings and decision of the Board of Adjustment regarding the above referenced appeal number.

Sincerely,

A handwritten signature in cursive script that reads "Mary Hart Burton".

Mary Hart Burton
Zoning Administrator

MHB/ag

attachment



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

October 9, 2019

West Florissant BP
c/o Owydat Mazen
2931 Pinery Point
St. Louis, MO 63129

**RE: Board of Adjustment Appeal #20251
#BPS-126680 and #AOP-3847-19
4126 W. Florissant Ave.**

Dear Mr. Mazen,

On October 9, 2019, the Board of Adjustment of the City of St. Louis heard Appeal No. 20251, pursuant to Section 26.84.040 of the Zoning Code, concerning the Board of Public Service decision to deny the Appellant an occupancy permit to operate a convenience store and gas station, at 4126 W. Florissant Ave.

The Board was presented with a fax letter from the Appellants attorney, requesting a continuance of the hearing. Chairman Klitzing made a motion to grant a continuance. Board Member Parsley seconded the motion. The motion was passed by unanimous vote of the Board. This Appeal will be rescheduled for a later date.

If you have any questions relative to this issue, you may contact Ms. Gutierrez at 314.622.3666.

Respectfully,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Zoning Plan Examiners
Zoning Inspector
Cultural Resources
Mary Hart Burton, Zoning Administrator
Don Roe, PDA
Building Permits
Business Assistance Center
License Collector



EXHIBIT

C

Occupancy Permit

Occupancy Inspection At: 4126 W FLORISSANT AV
 AKA: 4126 W FLORISSANT AV
 Tracking Number: AOP-3847-19

 [Send
Message](#)

Occupancy Details

Scheduled Date: 4/22/2019

Current Result: Major Violations

Inspector Routing

Include	Department	Inspector	Contact Number	Current Result	Inspection Detail
<input checked="" type="checkbox"/>	Zoning	Boyd, Sylvia	(314) 622-3666	Deny	BPS Denied
<input checked="" type="checkbox"/>	Building	Hansen, Matthew	(314) 641-8237	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Electrical	Williamson, Tim	(314) 622-4349	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Mechanical	King, Ron	(314) 589-6049	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Plumbing	McAnany, Terry	(314) 589-6213	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Fire Safety	N/A	N/A	N/A	N/A
<input checked="" type="checkbox"/>	Disability	N/A	N/A	N/A	N/A
<input checked="" type="checkbox"/>	Air Pollution	Arrighi, Jeanine	(314) 657-1507	Referred to MO DNR	No Pending Action
<input checked="" type="checkbox"/>	Board of Public Service	Miller, Sonya	(314) 622-4650	Denied	BPS Denied

Address Details Inspections Zoning Air Pollution Audit Documents Notes 1
 Transactions

Address

Project Address: 4126 W FLORISSANT AV
 AKA Address 4126 W FLORISSANT AV

Address Detail

Ward:	Precinct:	District:	Sub District:	City Block:	Neighborhood:	Neighborhood #:
21	2	15	31	3547.00	O'Fallon	68
Zoning Overlay		Planned Unit		Community Unit	Form Based	Special Use

Districts Development: No Plan: No District: No District: No
Zoning District(s): (G) Local Commercial and Office District

Address Owner / Occupant

Owner Information

Name: * OWYDAT, MAZEN
Contact Name:
Phone: (314) 761-9856
Email:

Address: * 2931 PINEY POINT
City: * ST LOUIS
State: * MO
Zip: * 63129

Occupant Information

Company: * WEST FLORISSANT BP
Name: * OWYDAT, MAZEN
Phone: (314) 761-9856
Email:

Address: * 4126 WEST FLORISSANT AV
City: * ST LOUIS
State: * MO
Zip: * 63115

Correspondence Information

Company: * WEST FLORISSANT BP
Name: * OWYDAT, MAZEN
Phone: (314) 761-9856
Email:

Address: * 4126 WEST FLORISSANT AV
City: * ST LOUIS
State: * MO
Zip: * 63115

Contact Information

Additional Contacts

Name: SALEH ALKHAFJI
Phone: (314) 398-3885
Email:

EXHIBIT

C

Preferred Contact Method

Printed correspondence

* All email addresses entered on this page will be copied on city communications.



Occupancy Permit

Occupancy Inspection At: 4126 W FLORISSANT AV
 AKA: 4126 W FLORISSANT AV
 Tracking Number: AOP-3847-19

 [Send
Message](#)

Occupancy Details

Scheduled Date: 4/22/2019

Current Result: Major Violations

Inspector Routing

Include	Department	Inspector	Contact Number	Current Result	Inspection Detail
	Zoning	Boyd, Sylvia	(314) 622-3666	Deny	BPS Denied
	Building	Hansen, Matthew	(314) 641-8237	Issue Permit	No Pending Action
	Electrical	Williamson, Tim	(314) 622-4349	Issue Permit	No Pending Action
	Mechanical	King, Ron	(314) 589-6049	Issue Permit	No Pending Action
	Plumbing	McAnany, Terry	(314) 589-6213	Issue Permit	No Pending Action
	Fire Safety	N/A	N/A	N/A	N/A
	Disability	N/A	N/A	N/A	N/A
	Air Pollution	Arrighi, Jeanine	(314) 657-1507	Referred to MO DNR	No Pending Action
	Board of Public Service	Miller, Sonya	(314) 622-4650	Denied	BPS Denied

Address Details Inspections Zoning Air Pollution Audit Documents Notes 1

Transactions

Status: 16 - CU: BPS Denied

Results Documents Notes Conditional Use Board of Public Service

Notes

Note	Created By	Created Date
There are no notes to display.		

Uploads

Type	Created By	Created Date
There are no documents to display for this inspection type.		

No images have been uploaded for this inspection.

Conditions

Condition	Created By	Created Date
Denial. The use will be detrimental to the public health, safety, morals, or general welfare.	Boyd, Sylvia	6/18/2019 1:34:43 PM

Hearing Results

BPS Number: 126680

Result: Denied

Result	Created By	Created Date	
Denied	Miller, Sonya	6/25/2019 10:27 AM	Accepted: 6/25/2019 10:27 AM

Save

EXHIBIT

C



LYDA KREWSON
MAYOR

City of St. Louis
OFFICE OF THE SECRETARY

1200 MARKET STREET, ROOM 300
ST. LOUIS, MISSOURI 63103-2806
PHONE NO.: (314) 622-4650 OR (314) 622-4627
Fax No.: (314) 589-6598



RICHARD T. BRADLEY, P.E.
PRESIDENT

June 18, 2019

West Florissant BP
Owydat Mazen
2931 Pinery Point
St Louis MO 63129

EXHIBIT

C

Dear Mazen:

At its meeting of June 18, 2019, the Board of Public Service voted to Deny Approval of Application No. 126680, West Florissant BP c/o Owydat Mazen, to occupy 4126 West Florissant as a convenience store with a gas station by reason of the fact that use will be detrimental to the public health, safety, morals, or general welfare.

Should you feel aggrieved in our decision you may appeal this denial within 30 calendar days of the date of this notice to Board of Adjustment, Room 400, City Hall. For convenience there is included with this notice, an application for appeal.

If you have questions relating to procedures on the appeal, please contact the Zoning Office at (314) 622-3666.

cc: Zoning
Don Roe
Business Assistance Center
NSO
License Collector
Alderman John Collins-Mohammad
Files

Yours truly,

Cherise D. Jones
Cherise D. Jones, Secretary
Board of Public Service

MACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
3920 LINDELL BLVD.
SUITE 200
ST. LOUIS, MISSOURI 63108

**MACARTHUR MOTEN
* STEVE D. BROOKS

of Counsel
*JENNIFER H. FISHER

TELEPHONE:
(314) 645-9500
(314)-535-2948
FAX: (314) 645-9504

LICENSED TO PRACTICE IN
**MISSOURI/ILLINOIS
*MISSOURI
lawoffices1011@gmail.com
www.macarthurmoten.com

July 12, 2019

St. Louis City Board of Adjustment
1200 Market Street (City Hall)
Room 400
St. Louis, MO 63103

Re: Owydat, Mazen
West Florissant BP
4126 W. Florissant

Dear Sir/Madam:

This comes as application for an appeal of the Board of Public Service denial dated June 25, 2019. Our application is predicated on the fact that the Board's decision was arbitrary, capricious and not found in cogent facts per law. Further, and by way of discovery, we formally request any and all reports, memorandum and documents regarding any complaints about the business. Lastly, we request a hearing before the full Board of Adjustment with dispatch. If further elaboration is required, please advise.

Very truly yours,



Steve D. Brooks
Attorney at Law

SDB/vjl



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

September 23, 2019

EXHIBIT

WEST FLORISSANT BP
c/o OWYDAT MAZEN
2931 PINERY POINT
ST. LOUIS, MO 63129

Board of Adjustment Appeal #20251
RE: #BPS-126680 / #AOP-3847-19
4126 W. Florissant Ave.

We are in receipt of the appeal you have filed contesting the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and a gas station, at 4126 W. Florissant Ave.

The Board of Adjustment will meet and consider your appeal at 1:30 p.m. on Wednesday, October 9, 2019 in Room 208, City Hall.

At the hearing, testimony and evidence will be accepted from you and other parties with an interest in your proposed use. As a result of the hearing, your appeal may be approved as you requested; approved with certain conditions; or denied.


In your appeal you stated: **Convenience Store and Gas Station in Zone G.**

Please be prepared to explain the above statement and answer inquiries from members of the Board of Adjustment. Your testimony and any supporting documentation you provide will assist the Board in reaching a determination on your appeal.

Your failure to appear at this hearing, or your failure to reschedule your hearing date, will result in an abandonment of your appeal.

If you need additional information or assistance, please contact the Zoning Office at 622-3666.

Sincerely,


Andrea Gutierrez
Secretary

cc: Ward 21 Alderman John Collins Muhammad
Neighborhood Stabilization Officer
Mary Hart Burton, Zoning Administrator
Robert Hibbs, Associate City Counselor
Board Members



Board of Adjustment

City of St. Louis
Room 400, City Hall
1200 Market Street
Saint Louis, Missouri 63103

EXHIBIT
S

Tuesday, July 16, 2019

WEST FLORISSANT BP
OWYDAT, MAZEN
4126 WEST FLORISSANT AV
ST LOUIS, MO 63115

Board of Adjustment Appeal # 20251 4126 W FLORISSANT AV

We are in receipt of the appeal you have filed contesting the determination of the Building Commissioner in the denial of an occupancy permit authorizing the Appellant to operate a Convenience Store and Gas Station at 4126 W FLORISSANT AV.

The Board of Adjustment will meet and consider your appeal at 1:30 PM on Wednesday, October 09, 2019 in Room 208, City Hall.

At the hearing, testimony and evidence will be accepted from you and other parties with an interest in your proposed use. As a result of the hearing, your appeal may be approved as you requested; approved with certain conditions; or denied.

In your appeal you stated: Convenience Store and Gas Station in Zone G.

Please be prepared to explain the above statement and answer inquiries from members of the Board of Adjustment. Your testimony and any supporting documentation you provide will assist the Board in reaching a determination on your appeal.

Your failure to appear at this hearing, or your failure to reschedule your hearing date will result in an abandonment of your appeal.

If you need additional information or assistance, please contact the Zoning Office at 314-622-3666.

Your failure to appear at the hearing on time or your failure to reschedule your hearing date will result in an automatic denial and abandonment of your application.

If you need additional information or assistance, please contact the Zoning Office at 314-622-3666.

Sincerely,

Mary Hart Burton
Zoning Administrator

Building Commissioner in the denial of an occupancy permit authorizing the Appellant to operate a trucking, inside and outside storage, office, warehouse and used oil transfer company, at 512-518 DeSoto. **WARD 2 #AOP-3992-19 ZONE: "K" - Unrestricted District "J" - Industrial District and North Broadway SUD**

APPEAL #11274 - Appeal filed by Michael Scott, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to make exterior/interior alterations, per plans (zoning only), at 5500 Oakland Ave. **WARD 17 #AB-550392-19 ZONE: "G" - Local Commercial and Office District**

APPEAL #11275 - Appeal filed by Shariq Mansuri, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to convert a school building to forty-one (41) apartments (zoning only), at 2810-2844 Dr. Samuel T. Shepard Dr. **WARD 19 #AB-550222-19 ZONE: "J" - Industrial District**

APPEAL #11276 - Appeal filed by Foca Construction, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to complete a single family rehab (1st and 2nd floors) addition, per plans, at 4327 Hunt Ave. **WARD 17 #AB-548648-19 ZONE: "B" - Two Family Dwelling District Zone: FPSE-FBD - Neighborhood General Type 2 Envelope Standard**

APPEAL #11277 - Appeal filed by Adam Garner, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to erect one wall sign and one projecting sign, non-illuminated, per plans, at 1330 Dolman St. (addendum to AB-548767) **WARD 7 #AB-550062-19 ZONE: "E" - Multiple Family Dwelling District**

APPEAL #9964 - Revocation Hearing for Taylor Auto Sales from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate an office and used auto sales business (no repair or painting), at 3001-03 Gravois. **WARD 6 #AO-494363-11 ZONE: "F" - Neighborhood Commercial District**

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on September 25, 2019.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

AGENDA

BOARD OF ADJUSTMENT OF THE CITY OF ST. LOUIS

Regular Meeting
October 9, 2019

1:30 p.m.

Room 208, City Hall

1. Call to order.
2. A public hearing to consider each of the following;

APPEAL #20251 - Appeal filed by West Florissant BP, from the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave. **WARD 21 #BPS-126680/ ZONE: "G" - Local Commercial and Office #AOP-3847-19 District**

APPEAL #11278 - Appeal filed by Alan Sommer, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to do interior alterations, per plans, at 3880 Fairview Ave. **WARD 15 #AB-550839-19 ZONE: "B" - Two-Family Dwelling District**

APPEAL #11279 - Appeal filed by Robert Duffe, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct single family dwelling, per plans (zoning only), at 1000 Park Ave. **WARD 7 #AB-548198-19 ZONE: "D" - Multiple Family Dwelling District**

APPEAL #11280 - Appeal filed by Excel Signs & Design, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install five (5) illuminated ground signs, per plans, at 1401 Hampton Ave. **WARD 24 #AB-551015-19 ZONE: "A" - Single Family Dwelling District ZONE: "J" - Industrial District**

APPEAL #11281 - Appeal filed Excel Signs & Design, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install two (2) illuminated wall signs, per plans, at 1403 Hampton Ave. **WARD 24 #AB-551016-19 ZONE: "A" - Single**

Family Dwelling District ZONE: "J" - Industrial District

APPEAL #9052 - Revocation Hearing for Vancil's Home Improvement, from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate a construction company/office with outside storage of two trucks, at 3131 Arsenal. **WARD 6 #AO-467563-09 / ZONE: "B" - Two Family Dwelling District #AO-425923-08**

3. Deliberations on the above hearings

4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on October 2, 2019.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

PUBLIC NOTICE

Conditional Use Hearing will be held in Room 208 City Hall at 8:30 a.m. on **Thursday, October 3, 2019.**

7405 Ray - #AHO-4345-19- Rukia Maalin Childcare Providers (Home Daycare/ 10 Children) "A"-Single Family Dwelling District. **Te Ward 12**

2907 St Louis Ave - #AHO-4366-19- Growing Scholars (Home Daycare/10 Children) "G"-Local Commercial and Office District. **Te Ward 3**

603 Loughborough - #AHO-4359-19- Little D's In Home Daycare (Home Daycare/ 10 Children) "A"- Single Family Dwelling District. **Te Ward 11**

5655 Kingsbury - #AHO-4348-19- Missouri Flooring & Construction., LLC (Construction/Office use Only) "E"-Multiple Family Dwelling District. **Te Ward 26**

1115 Pine - #AOP-4307-19- Castles Sneakers & Style (Resale Shop/Shoes/ Clothing/Art/Collectables) "I"-Central Business District. **Sl Ward 7**

2509 Marcus - #AOP-4332-19- Transcendent Adult Daycare (Adult Daycare Facility/10 Adults/7 days/6am to 5pm) "F"- Neighborhood Commercial District. **Sl Ward 4**

1007 Russell - #AOP-3899-19- Rakobe, Inc (General Contracting/Office 213) "D"- Multiple Family Dwelling District. **Sl**

Hearing No. 8235 - Adel Discount Cigarettes and Grill c/o A., Rashid Chaudhry, revocation of Conditional Use Permit No. 125378, to occupy 5005 So. Kingshighway as a convenience store with cooking (no liquor and no outdoor seating), subject to Chapter 26.100.030 of the Revised Code.

Richard T. Bradley, P.E.
President

Attest:

Cherise D. Jones
Secretary

PUBLIC NOTICE

The Board of Public Service will hold a public hearing on **Tuesday, October 22, 2019** in Room 208 at 1:45 p.m., City Hall to consider the following:

Hearing No. 8236 - Dream Market c/o Willie Beverly, revocation of Conditional Use Permit No. 122616, to occupy 5382 Dr. Martin Luther King as a convenience store (no cooking and no liquor) pursuant to City of St. Louis Revised Code Section 26.100.030.

Richard T. Bradley, P.E.
President

Attest:

Cherise D. Jones
Secretary

AGENDA

BOARD OF ADJUSTMENT OF THE CITY OF ST. LOUIS

Regular Meeting

October 9, 2019

1:30 p.m.

Room 208, City Hall

1. Call to order.
2. A public hearing to consider each of the following;

APPEAL #20251 - Appeal filed by West Florissant BP, from the determination of the Board of Public Service in the denial of an occupancy permit authorizing the Appellant to operate a convenience store and gas station, at 4126 W. Florissant Ave. **WARD 21 #BPS-126680/** **ZONE: "G" - Local Commercial and Office #AOP-3847-19 District**

APPEAL #11278 - Appeal filed by Alan Sommer, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to do interior alterations, per plans, at 3880 Fairview Ave. **WARD 15 #AB-550839-19**

ZONE: "B" - Two-Family Dwelling District

APPEAL #11279 - Appeal filed by Robert Duffe, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct single family dwelling, per plans (zoning only), at 1000 Park Ave. **WARD 7 #AB-548198-19** **ZONE: "D" - Multiple Family Dwelling District**

APPEAL #11280 - Appeal filed by Excel Signs & Design, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install five (5) illuminated ground signs, per plans, at 1401 Hampton Ave. **WARD 24 #AB-551015-19** **ZONE: "A" - Single Family Dwelling District** **ZONE: "J" - Industrial District**

APPEAL #11281 - Appeal filed Excel Signs & Design, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install two (2) illuminated wall signs, per plans, at 1403 Hampton Ave. **WARD 24 #AB-551016-19** **ZONE: "A" - Single Family Dwelling District** **ZONE: "J" - Industrial District**

APPEAL #9052 - Revocation Hearing for Vancil's Home Improvement, from the determination of the Building Commissioner in the revocation of a use variance with conditions and an occupancy permit, authorizing the Appellant to operate a construction company/office with outside storage of two trucks, at 3131 Arsenal. **WARD 6 #AO-467563-09 /** **ZONE: "B" - Two Family Dwelling District #AO-425923-08**

3. Deliberations on the above hearings
4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on October 2 2019.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

AGENDA

BOARD OF ADJUSTMENT OF THE CITY OF ST. LOUIS

Regular Meeting

October 16, 2019

1:30 p.m.

Room 208, City Hall

1. Call to order.

2. A public hearing to consider each of the following;

APPEAL #20250 - Appeal filed by Assisi House, Inc., from the determination of the Building Commissioner in the denial of an occupancy permit authorizing the Appellant to open and operate a residential care facility (in the prior convent building), to care for up to 16 adults, at 5076 Durant. **WARD 1 #AOP-4143-19** **ZONE: "B" - Two-Family Dwelling District**

APPEAL #20252 - Appeal filed by Ibrahim Auto Repair & Sales, from the determination of the Building Commissioner in the denial of an occupancy permit authorizing the Appellant to expand existing used auto sales business, with repairs, with inside/outside storage of cars, expanding to add bodywork (no detailing), at 3563 Roger Place. **WARD 15 #AOP-4149-19** **ZONE: "A" - Single Family Dwelling District**

APPEAL #11282 - Appeal filed by Bob Stephens, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to install a Non-LED sign, per plans, at 5279 Flyer Ave. **WARD 10 #AB-550568-19** **ZONE: "A" - Central Business District**

APPEAL #11283 - Appeal filed by Cortaiga Collins, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to construct a new childcare center, (zoning only), at 1297 Amherst Place. **WARD 22 #AB-551034-19** **ZONE: "B" - Two Family Dwelling District**

APPEAL #11284 - Appeal filed by John Schebaum, from the determination of the Building Commissioner in the denial of a building permit authorizing the Appellant to do exterior and interior alterations per plans (zoning only), at 5025 Delmar Blvd. **WARD 18 #AB-551036-19** **ZONE: "H" - Area Commercial District**

3. Deliberations on the above hearings
4. Approval of Written decisions, Findings of Fact and Conclusions of Law from hearings and deliberations held on October 11 2019.

In accordance with the provisions of Ordinance 59981, effective July 31, 1986.

By authority of the Board of Adjustment
J. Klitzing, Chairman

PUBLIC NOTICE

Conditional Use Hearing will be held in

PUBLIC NOTICE

Notice is hereby given that an Appeal from the Building Commissioner has been made for the purpose of seeking a permit to: operate a convenience store and gas station @

4126 W. Florissant Ave.

A public hearing will be held on Wednesday, Oct. 9, 2019
in Room 208, City Hall at 1:30 p.m.

Word 21 #BPS 126680/AOP-3847-19

Appeal # 20251

\$500.00 FINE FOR REMOVING OR
DEFACING THIS PUBLIC NOTICE

Board of Adjustment

09/16/2019

EXHIBIT



EXHIBIT

09/16/2019



EXHIBIT

F



09/16/2019



09/16/2019

EXHIBIT

F



EXHIBIT

G



6



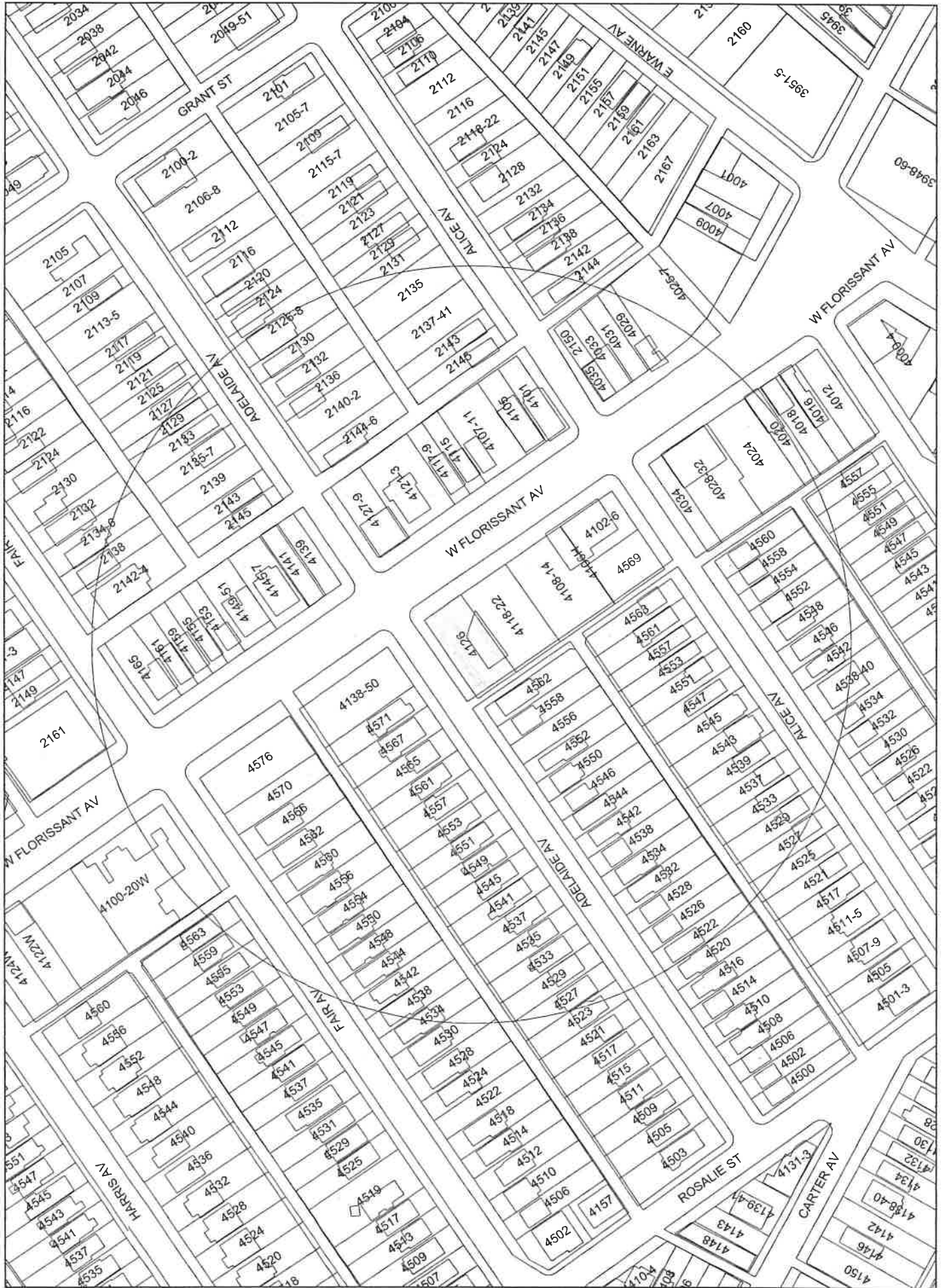


EXHIBIT
HMACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
SUITE 200
3920 LINDELL BLVD.
ST. LOUIS, MISSOURI 63108**MACARTHUR MOTEN
* STEVE D. BROOKS

TELEPHONE:

(314) 645-9500

(314)-535-2948

FAX: (314) 645-9504

LICENSED TO PRACTICE IN

**MISSOURI/ILLINOIS

*MISSOURI

lawoffices1011@gmail.com

www.miacarthurmoten.com

TELEFAX COVER SHEET

DATE: 7 Oct 19TOTAL PAGES: 1 (INCLUDING COVER)TO: COMPANY Board of Adjustment C/oATTENTION AndreaFAX NUMBER (314) 552-7617FROM: Brooks, Steve

RETURN FAX NUMBER: (314) 645-9504

Please call Valerie at (314) 645-9500, if you have any difficulty receiving this fax or do not receive the correct number of pages.

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Contents:

Re: 426 W. Florissant (West Florissant BP)
- Per your instruction we are requesting that the
appeal scheduled for 10/9/19 at 1:30 be continued
to 1/15/19 at 1:30pm; pending receipt of document
etc previously requested pursuant to my sunshine
request. Thank you.
[Signature]



LYDA KREWSON
MAYOR

City of St. Louis
OFFICE OF THE SECRETARY

1200 MARKET STREET, ROOM 300
ST. LOUIS, MISSOURI 63103-2806
PHONE NO.: (314) 622-4650 OR (314) 622-4627
Fax No.: (314) 589-6598



RICHARD T. BRADLEY, P.E.
PRESIDENT

June 18, 2019

West Florissant BP
Owydat Mazen
2931 Pinery Point
St Louis MO 63129

Dear Mazen:

At its meeting of June 18, 2019, the Board of Public Service voted to Deny Approval of Application No. 126680, West Florissant BP c/o Owydat Mazen, to occupy 4126 West Florissant as a convenience store with a gas station by reason of the fact that use will be detrimental to the public health, safety, morals, or general welfare.

Should you feel aggrieved in our decision you may appeal this denial within 30 calendar days of the date of this notice to Board of Adjustment, Room 400, City Hall. For convenience there is included with this notice, an application for appeal.

If you have questions relating to procedures on the appeal, please contact the Zoning Office at (314) 622-3666.

cc: Zoning
Don Roe
Business Assistance Center
NSO
License Collector
Alderman John Collins-Mohammad
Files

Yours truly,


Cherise D. Jones, Secretary
Board of Public Service

MACARTHUR MOTEN, P.C.
ATTORNEYS AT LAW
3920 LINDELL BLVD.
SUITE 200
ST. LOUIS, MISSOURI 63108

**MACARTHUR MOTEN
* STEVE D. BROOKS

of Counsel
*JENNIFER H. FISHER

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LICENSED TO PRACTICE IN
**MISSOURI/ILLINOIS
*MISSOURI
lawoffices1011@gmail.com
www.macarthurmoten.com

July 12, 2019

St. Louis City Board of Adjustment
1200 Market Street (City Hall)
Room 400
St. Louis, MO 63103

Re: Owydat, Mazen
West Florissant BP
4126 W. Florissant

Dear Sir/Madam:

This comes as application for an appeal of the Board of Public Service denial dated June 25, 2019. Our application is predicated on the fact that the Board's decision was arbitrary, capricious and not found in cogent facts per law. Further, and by way of discovery, we formally request any and all reports, memorandum and documents regarding any complaints about the business. Lastly, we request a hearing before the full Board of Adjustment with dispatch. If further elaboration is required, please advise.

Very truly yours,



Steve D. Brooks
Attorney at Law

SDB/vjl



JIMMIE M. EDWARDS
DIRECTOR OF PUBLIC SAFETY

City of St. Louis
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF BUILDING AND INSPECTION
LYDA KREWSON
MAYOR



FRANK OSWALD
BUILDING COMMISSIONER

CONDITIONAL USE HEARING RECORD
CITY HALL - ROOM 208
June 6, 2019

ADDRESS: 4126 West Florissant

APPL. #: AOP-3847-19

ZONING: "G" – Local Commercial and Office District

WARD: 21

PROPOSAL: Convenience Store/Gas Station

APPLICANT: West Florissant BP
C/o Owydat Mazen
2931 Pinery Point
St. Louis, MO 63129

ALDERMAN: John Collins-Mohammad – Unknown

APPLICANT'S STATEMENT: Mr. Saleh Al-Khafaji, part owner testified seeking approval to have a convenience store with gas station at this location. The applicant stated the business have been there for 30 years. He stated he was one of three owners and one owner got cancer. He stated his name was not on the occupancy permit so they had to apply for a new occupancy. He stated they will sell tobacco, gas and groceries. He stated they do not sell liquor and they have an ATM inside. He stated he does not have a payphone outside. He stated there are no other uses besides the liquor store. They do not cook. He stated they have frozen food and they are open 24 hours. He stated they lock the doors at 10 p.m. but they sell through the window for safety reasons. He stated he has three employees, 1 per shift in the daytime and two at night. He stated they do not store or sell anything outside. He stated they have 5 parking spots for customers. He stated they have surveillance cameras inside and out and lighting for security. He stated they

have an enclosed dumpster and it is locked up. He stated they will not sell anything that can be used as drug paraphernalia as read to him. Mr. Al-Kaaji stated they will not have any new signs. He stated he will remove any temporary signs that are not permitted. He stated he has been running this place since 2001. He stated he has been part owner since 2001 and he works 6 to 7 days a week. He stated they try their best and cannot control what happens in the neighborhood and outside his store.

Support:

Markesha Hayes, stated the drama is not the gas station, it's the people that are right around there.

Phyllis Harris stated the gas station is a blessing for groceries and gas and not the people who own the gas station but the people around it that cause the problem.

Sandra Crenshaw stated she lives the next street over. She stated it is an asset to the neighborhood. She stated they do not have schools, grocery stores or convenience store in this neighborhood. She stated the people who hang out at the gas station hang out on her street as well. She stated it's the vacant buildings and the drugs that cause the problems.

Archie Wayne III stated he has been going to that gas station for almost 30 years. He stated he has a two year old and needs this gas station more than ever. He stated they all came to the hearing in just a few cars, that a lot of people in the neighborhood do not have cars. He stated they would have to walk to some bad areas to get things they need if they didn't have this business. He stated he thinks there should be more businesses opening up than closing, such as this business. He stated the owner knows the trouble makers and keeps them off the property. He stated if you close this business then there will just be gang business going on there.

Helen Gray stated that it is not the people in the gas stations fault that people come on the lot. She stated the

gas station needs to stay open because a lot of people do not have cars and they need the gas station. She stated it is not the owners fault.

Catherine Davis stated the owners helped her pay for her son's funeral when he was killed. She stated she and her children used to always go back and forth to the gas station.

Carl Piffens stated he has been going to the service station since 2001. He stated its not the owners fault about the trouble. He stated that they need to close the dope house next door that has been a nuisance.

Keith Davis stated the gas station is vital to the neighborhood. He stated he lost his brother 10 years ago close to this date. He stated he built a bond with the owner and it's a great business and very essential.

Mark Barnes stated he agrees with everyone and they are doing a good job and he helps him find jobs such as moving furniture for other people.

Sangar Al-Haidari stated he has worked at the gas station for 10 years now and he tries his best. He helps everyone in the store. He stated when he has people in the parking lot they call the police and have security cameras.

Opposition:

Sharie Taylor stated she is the Neighborhood Improvement Specialist for the 21st Ward with the City of St Louis. She stated she has pages and pages of documents, starting with the current owner Owydat, who has been the ownership since 2012-19. She stated during his owner of this property there have been 473 calls for service since 2012. She stated and another 375 police initiated calls. She stated even prior to 2012 it was also declared a public nuisance, with 758 calls for service and 168 police initiated calls and 315 disturbances. She stated there were 201 disturbances under the current ownership. She stated when the

police asks to pull his security camera footage it is never available. She stated they have asked the owner to get security guards that were secondary that could enforce the law and that it has not happened. She stated in March, herself, the Alderman, Problem Properties Officer, City Counselor Sue Phelps, and Director of Neighborhood Stabilization Dottie McDowell pulled onto the parking lot in a marked police car and someone asked for money for loose cigarettes. The person purchased two loose cigarettes, and gave them one as well. She stated they have explained to the owner in prior meetings that that is illegal. She stated over the years the owner has shown he does not comply with the law.

Abdul Ab-Dul stated he is President of the Ofallon Neighborhood Association. He stated he has lived in the neighborhood since 1987. He stated he is Executive Director of Park Central Development. He stated this use would never be approved south of Delmar. He stated with this property and the sister property on Bircher has always had murders and crime. He stated the parking lot is not paved, there is prostitution. He stated even in the morning when he took pictures it looked like the stroll. He stated on behalf of the neighborhood, this is not a good use. He stated they need something but not this. They deserve something better.

Darbi Latham stated this is a bad business for the community. It attracts guys not from the neighborhood to use it. A lot of people in the neighborhood do not have cars. She stated there is a convenience store across the street that offers the community milk eggs and cheese and they close at an appropriate time.

Adrian Latham stated she lives 2 houses down from the gas station. She stated the station is a hub for drug activity, prostitution, murder, shootings and violent crimes. She stated this gas station is not appropriate for the middle of a residential neighborhood. She stated the owners have allowed people to continue this hazardous behavior on their property. She stated when they clean the property they use the city dumpsters to put the trash in. She stated that yesterday a stolen car was parked behind the gas station and put on bricks and stripped

apart. This gas station is not suitable for this area. She stated because they are open 24 hours a day, there are vehicles that park in front of her home, buying drugs, and sitting in their cars. She stated they don't use the gas station lot because they do not want to be seen on camera. She stated this goes on all night long because of all the activity. She stated they need some type of privacy fencing.

Carol Johnson stated she has been in area since 1981. She stated she has seen so much violence and killing on the gas station lot. She stated she doesn't patronize the gas station because she has had a couple of friends that got robbed. She stated they have security guards but they are afraid of the people that come to the filling station.

Melinda Long stated she lives within a two block radius of the gas station. She stated this has really gotten out of hand in the area. She stated each person who testified in support of this business are not homeowners. She stated they were all renters and they do not have a vested interest in the community. She stated her family has a lot of property in the neighborhood. She stated she has problems renting her property because of the business at Adelaide and West Florissant.

Delores Smith stated she has lived in the area for over 50 years, two blocks from the service station. She stated that at one time the station was great, you felt welcome to come and get gas. She stated now no one in the neighborhood goes there to get gas. She stated there is a sandwich shop on the corner of her neighborhood, that is kept clean and there is no loitering. She stated they have neighborhood watch and work diligently to keep them out. She stated as a home owner she has had enough, she wants it closed.

Virgil Murphy stated there are hostile people that accost

him, want money from you. One time he got robbed walking to the bus stop by the service station and he is afraid to walk the area.

Caroline Washington stated she was been in the area for 47 years and this place is bad. She stated its gotten worse in the last ten years. She stated she doesn't think the service station should be open all night. She stated she can't handle all that noise.

Rosalyn Jackson stated she has been there for 28 years and she has only been to the store once because she is afraid to pass there day or night. She stated they sell all the paraphernalia that was listed earlier. She stated if it was in their neighborhood, it would not be allowed. She stated we deserve better. She stated that last year they did a study on how many service stations are on the north side of Delmar. She stated there are 38 out of 75 in the city, north of Delmar.

Brenda Nelson stated she has been in the neighborhood for over 40 years and she opposes the station. She stated she has heard numerous complaints. She stated she is a home owner and it is affecting her property values. She stated we should not be confronted with this type of business in the area.

Wilbert Long stated his family has lived a block from the service station for over 60 years. He stated it's a nuisance, there is drugs and prostitution. It's a corner lot, there is a lot of congestion and accidents. He stated this is right in the middle of a residential area.

Owner:

Saleh Al-Khafaji, stated he can't please everybody and he called the new chief and he came to meet him. He stated they went to the neighborhood meeting. He stated the police came and he didn't have a password. He stated anytime the police come he gives them the password to look at his cameras. He stated he calls the police when anything happens. He stated what does prostitution have to do with the gas station. He stated crime happens every day, he cannot stop the crime.

Mazen Owydat stated he owns the building but has not involved in operating the business. He stated from now on he will be involved. He stated a lot of the concerns are true. He stated the last 5 years have been the worse because of the drug dealers in the north side. He stated if we stop the drug dealers we wont have these issues. He stated we were there when it was good and we are still here when its bad. He stated we have cameras and security. He stated there are too many vacant homes on these streets. He stated he wants to work with everyone, I want to have a clean place for all the neighbors to come to, but they need help with the drug dealers, he stated they are destroying lives and he is here to work with you.

Oppostion:

Sharie Taylor, Neighborhood Stabilization Officer stated the reason there are drug dealers there is because the gas station sells drug paraphernalia. She stated when they went there in March there was a four foot tall stack of sandwich bags which are used to store their drugs. She stated they come there because they can buy everything they need to sell to their customers.

Response to standards: 1. Will the use be detrimental to the public health, safety, morals or general welfare? **No**; 2. Will the use cause serious injury to the neighboring property by hindering use or reducing or impairing property values? **No**.

SUPPORT: 10 People spoke in support

OPPOSITION: 13 spoke in opposition
Police Calls for service from 2007-2019

RECOMMENDATION: Denial. The use will be detrimental to the public health, safety, morals, or general welfare.

Under the powers vested by Board of Public Service Order #766, it is determined that the applicant **has not** met the standards for a conditional use as defined in Chapter 26.80.010 of the Revised Code of the City of St. Louis, 1994.

Sandra Long
Sandra Long
Zoning Specialist

6/13/19
Date



Occupancy Permit

Occupancy Inspection At: 4126 W FLORISSANT AV
 AKA: 4126 W FLORISSANT AV
 Tracking Number: AOP-3847-19

[✉ Send
Message](#)

Occupancy Details

Scheduled Date: 4/22/2019
Current Result: Major Violations

Inspector Routing

Include	Department	Inspector	Contact Number	Current Result	Inspection Detail
<input checked="" type="checkbox"/>	Zoning	Gutierrez, Andrea	(314) 622-3666	Board of Adjustment Hearing	BofA Hearing scheduled 10/9/2019 at 1:30 PM.
<input checked="" type="checkbox"/>	Building	Hansen, Matthew	(314) 641-8237	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Electrical	Williamson, Tim	(314) 622-4349	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Mechanical	King, Ron	(314) 589-6049	Issue Permit	No Pending Action
<input checked="" type="checkbox"/>	Plumbing	McAnany, Terry	(314) 589-6213	Issue Permit	No Pending Action
<input type="checkbox"/>	Fire Safety	N/A	N/A	N/A	N/A
<input type="checkbox"/>	Disability	N/A	N/A	N/A	N/A
<input checked="" type="checkbox"/>	Air Pollution	Arrighi, Jeanine	(314) 657-1507	Referred to MO DNR	No Pending Action
<input checked="" type="checkbox"/>	Board of Public Service	Miller, Sonya	(314) 622-4650	Denied	N/A

Address Details Inspections Zoning Air Pollution Audit Documents Notes 2

Transactions

Status: 18 - Board of Adjustments - Scheduled

Results Documents Notes Board of Adjustment Conditional Use Board of Public Service

Basis for Conditional Use Hearing: * Conditional use approval is required for this gas station and convenience store here in Zone "G" - Local Commercial and Office District. (There can be no continuation of this nonconforming use to this new applicant since convenience store uses can no longer be transferred to subsequent owners without conditional use approval.)

Questions

1. Will this application trigger off-street parking requirements? *
2. Will this application generate an additional building permit application? *
3. Will this application generate an additional occupancy permit application? *

Hearing Record